

Filed on  
8/8/16

IN THE SUPREME COURT OF INDIA  
CONTEMPT PETITION NO. 2016

IN

WRIT PETITION NO.494/2012

IN THE MATTER OF:

Mathew Thomas ... Petitioner

—VERSUS

Shri Harsh Gupta & Ors ... Contemnors

AND IN THE MATTER OF:

IN WRIT PETITION NO.494/2012

Justice K.S. Puttaswamy (Retd) & Anr ... Petitioner

VERSUS

Union of India & Ors ... Respondents

WITH

[I.A. No. OF 2016]

APPLICATION FOR EXEMPTION FROM FILING  
OFFICIAL TRANSLATION

PAPER BOOK

[FOR INDEX :: KINDLY SEE INSIDE]

ADVOCATE FOR THE PETITIONER:

MS AISHWARYA BHATI

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### SYNOPSIS

A Writ Petition (Civil) 37/ 2015, filed by the Petitioner herein, was filed in January 2015 impugning the UID / Aadhaar project that seeks to establish a unique identification authority of India vide an executive notification dated 28.01.2009 to assign unique 12-digit identifier numbers to all residents of the country, on various grounds, *inter alia*, that the project is ultra vires the constitution for lacking requisite legislative sanction, that it is a major and imminent danger to national security and the security of the country and that it infringes various fundamental rights of the citizens including the right to privacy as enshrined in the Constitution and also the manner in which the project has been undertaken is violative of Article 14 for being completely procedurally unreasonable, is without application of mind, would not achieve any of the purposes for which it is intended to be used and also that it is causing widespread exclusion of poor and other vulnerable sections of the society in its use to inherent fallibility of the technology and inappropriate use. The Petitioner in his pleadings in the captioned writ petition has furnished what he believes is clear mathematical proof that the biometric system used by UIDAI will result in unacceptably large-scale errors and the said system has been shown to be scientifically and technologically infeasible for applications such as PDS, MGNREGA, LPG subsidy administration. A research report of the National Academies of USA consisting of the



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National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine and the National Research Council have concluded that biometrics is "Inherently probabilistic and hence, inherently fallible."

The said writ petition was heard along with a batch of other similar petitions led by Writ Petition (Civil) 494/2012 and matter is currently pending before this Hon'ble Court to be further heard by a Constitution Bench. In the meanwhile, this Court has passed interim orders dated 23.03.2013, 24.03.2014, 16.03.2015, 11.08.2015 and also on 15.10.2015 and in each of those orders made it effectively clear that no authority of any government – state and central government shall insist on Aadhaar being produced by any individual and deny him/her any service that is due to him/her. Further, the union government was also directed to give widespread publicity to the fact that Aadhaar was not mandatory for any purpose.

Despite such repeated orders by this Hon'ble Court there has been widespread violation of the orders and a few contempt petitions and affidavits were also filed before this Hon'ble Court including many by the Petitioner herein which are all pending adjudication.

This petition is directed against an official in the Food and Civil Supplies department in the Government of Karnataka who

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recently issued notifications to the effect that people would be denied food grain rations under the Public Distribution Scheme (PDS) if they did not enrol for Aadhaar and submit their Aadhaar details to the department.

This petition is further directed against the Secretary, Government of India, in the Ministry of Human Resource Development in the Department of Higher Education who recently issued a notification to the effect that people would be denied their Government subsidies/scholarships/fellowships if they did not enrol for Aadhaar and submit their Aadhaar details to the various universities under the University Grants Commission. This petition is further directed against Jaspal S. Sandhu, Secretary, University Grants Commission, who reiterated the order of the Secretary, Ministry of Human Resource Development in a notification issued to all Universities, making Aadhaar mandatory for the disbursement of all Government subsidies/scholarships/fellowships.

#### LIST OF DATES

28.01.2009      The Unique Identification Authority of India was established by an executive notification dated 28.01.2009. The agency, which has no legal backing, will own and operate the Unique Identification Number database. The agency

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aims to provide a unique identification number to all persons resident in India, but not identity cards. The agency maintains a database of residents containing biometric and other data. The UIDAI was originally a part of the Planning Commission of India but has now been transferred to being part of the Department of Electronics and Information Technology (DEITY) without its functions having been changed. The UID program has been criticized by many people and is considered to be a real and present danger to the security of the Nation and to its people. India's Intelligence on any basis whatsoever. For example, in PDS, the poor do not receive the rations due to lack of identity, but because of the discretion vested in lower bureaucracy, like food inspectors to decide eligibility, and political pressure to issue BPL ration cards to ineligible persons. RTI replies to the Petitioners prove that there were no fake ration cards in the State of Karnataka, but only ineligible ones, which were detected without using UID numbers. Also under wrong government policy, while lakhs of tons of food

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grains are damaged due to lack of storage, instead of spending money building storage, the government squanders funds on an impractical scheme. Similarly, LPG subsidy leakages are due to misuse of domestic cylinders for commercial purposes, which cash transfers to bank accounts linked to UID numbers cannot prevent. In RTI replies to the Petitioners, OMCs have admitted that they have done no analysis or investigation into how the LPG subsidies are leaked. It is not that the Contemnors/ Respondents are unaware of these facts. They are deliberately making false claims to mislead people.

2012 – 2015 A number of petitions filed before this Hon'ble Court challenging the Constitutional vires of the UID project on multiple grounds including that it is a threat to national security, its infringement on various fundamental rights including the right to privacy and that it does not have the requisite legislative sanction and also that it is procedurally unreasonable and impractical. Thus, the UID / Aadhaar Scheme is a huge waste of public money, being infeasible. Writ

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Petition (Civil) 37/2015 was filed by the Petitioner herein.

The petitions were all tagged together and are led by Writ Petition (Civil) 494/2012 *Justice (Retd). K.S. Puttaswamy v. Union of India & Ors.*

23.09.2013 This Hon'ble Court was pleased to pass an interim orders in the batch of petitions mentioned above that "no person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant"

26.11.2013 This Hon'ble Court disallowed applications by the Ministry of Petroleum and Natural Gas, Government of India, the Unique Identification Authority of India and also the Oil Marketing Companies to modify the order dated 23.09.2013 to permit them to insist on Aadhaar for their purposes.

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24.03.2014 This Hon'ble Court, while hearing a Special Leave Petition filed by the UIDAI against the Central Bureau of Investigation impugning an order of the Goa Bench of High Court of Bombay directing the UIDAI to share fingerprints of certain people in a certain locality to help with a criminal investigation, reiterated that Aadhaar shall not be mandatory and that "all forms/ circulars/likes should be modified so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith".

16.03.2015 This Hon'ble Court, while taking notice of widespread non-compliance to its earlier orders in the matter, reiterated the order of the 23.09.2013 and 26.03.2014 in substance.

11.08.2015 A learned three judge bench of this Hon'ble Court, while hearing final arguments in the batch of aforementioned writ petitions, referred the matters to a Constitution Bench as in its view, the petitions raised questions of far reaching importance that require the interpretation of Constitution in relation to the

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existence of and the scope of the right to privacy and the same required to be adjudicated by a Constitution Bench of a minimum of five judges under Article 145(3) of the Constitution of India.

While the petitions were referred, it was pleased to pass a further interim order that reads:

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the Respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of food grains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the

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purpose of the LPG Distribution Scheme;

4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.

15.10.2015 On 15.10.2015, this Hon'ble Court while partially allowing an Application for modification of the order dated 11.08.2015 by the Union of India to include certain other schemes under permitted uses for Aadhaar, reiterated that all interim orders of the Hon'ble Court starting from 23.09.2013 must be followed by Union and all other entities and also reiterated that Aadhaar enrolment shall be purely on a voluntary basis.

26.04.2016 On 26<sup>th</sup> April 2016, there was a news report in the Bangalore edition of 'The Hindu' quoting the Bangalore rural district commissioner Mr. S. Paliah that Food grains under PDS will be temporarily stopped to those who do not enrol for and furnish the details of Aadhaar numbers



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of all family members.

28.04.2016 A notification of the Food and Civil Supplies Department of the Government of Karnataka dated 28.04.2016 with No: CFS /PD/IV/2/2016-17 was issued by the Respondent Contemnor stating that Aadhaar shall be mandatory for collection of food grain in the short future and the same was published in many Kannada newspapers across the state.

04.05.2016 The Petitioner on 4<sup>th</sup> May 2016 wrote to the Respondent Contemnor pointing out that the notification has been issued in contempt of the Hon'ble Supreme Court's orders and asked the Respondent to rescind the said notification within seven days, to which the Respondent contemnor has not taken any action nor has the Respondent tendered a reply to the said letter.

05.05.2016 The Petitioner on 5<sup>th</sup> May 2016 wrote to the Respondent Contemnors pointing out that the circulars has been issued in contempt of the Hon'ble Supreme Court's orders and asked them to rescind the said circulars within seven days, to which the Respondent Contemnors

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have not taken any action nor have the Respondents tendered a reply to the said letter.

29.06.2016 On the 29<sup>th</sup> of June 2016 a letter was issued and uploaded onto the website of the University Grants Commission. The letter stated that the Ministry of Human Resource Development had vide its letter D.O. No. 18-7/2013-U1A dated 10<sup>th</sup> June 2016 instructed the University Grants Commission that from the financial year 2016-17 onwards Aadhaar was to be made mandatory for the disbursement of all Govt. subsidies/Scholarships/Fellowships. The letter further directed all Universities to comply with this notification and reiterated that Aadhaar was to be made mandatory from the year 2016-17 onwards for the disbursement of all Government subsidies/Scholarships/Fellowships.

19.07.2016 Vide a reply no. 2907/ DCS & CA/ B4(b)/RTI/2016/1283 dated 19.07.2016 to RTI application preferred by the Petitioner, the Public Information Officer-cum-Deputy Director (CS & CA), Department of Civil Supplies & Consumer Affairs, Puducherry, has informed to

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the query regarding total no. of EAC category, namely fake, ghost cases of multiple BPL ration cards detected during past two years i.e. 2015 & 2016 that the Department is issuing Biometric based AADHAR integrated Smart Ration Card. Under this process so far, 9925 BPL cardholders (325 cards in 2015-16) who have not enrolled for Smart Ration Card have been deleted from the database.

It is submitted that aforesaid reply makes it clear that orders of this Hon'ble Court as mentioned above are flagrantly being violated with all impunity regardless of the fact that the same amounts to the contempt of highest court of this land.

23.07.2016 A news article dated 23.07.2016, published in Deccan Herald, News Daily has published a statement of Minister of Food and Civil Supplies, Government of Karnataka wherein he has said that the department would make the biometric coupon based system compulsory for card holders to collect rations under the public distribution system (PDS) in the next three

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months. It is submitted that under Coupon based distribution System the beneficiaries will have to furnish their ration card and Aadhaar numbers at the kiosks.

It is submitted that aforesaid resolve of the department, in ultimate effect, makes AADHAR enrolment compulsory and the same amounts to the contempt of this Hon'ble Court.

02.08.2016 Vide a communication dated 02.08.2016 International Business Machines Corporation (IBM), an American Multinational Company, has issued directions to its ex Employees to update their AADHAR details without fail on or before 05 Aug. 2016, as the Government EPFO authorities have made it mandatory to all employers to collect AADHAR from their employees. It further mentions that IBM is required to seed the aforesaid AADHAAR numbers in Govt EPFO portal which is one of the "mandatory KYC (Know Your Customer) document".

08.2016 Hence the present contempt petition to this Hon'ble Court.

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ITEM NO.5+56

Court No.5

SECTION PIL

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY(RETD) & ANR

...Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

...Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013

(With appln(s) for stay and

office report)

W.P.(C) No. 829 of 2013

(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for  
hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Anil B. Divan, Sr. Adv.  
Mr. Ankit Goel, Adv.  
Mr. Ranvir Singh, Adv.  
Mr. Sanjay Yadav, Adv.  
Mr. Anish Kumar Gupta, Adv.  
Ms. Deepshikha Bharati, Adv.  
Mr. S.S. Shamsbery, Adv.  
Mr. Rajeev Kr. Singh, Adv.  
Mr. Nachiketa Joshi, Adv.  
Mr. P.R. Kovilan Poongkuntran, Adv.  
Mrs. Geetha Kovilan, Adv.  
Mr. Shyam Divan, Sr. Adv.  
Mr. Pratap Venugopal, Adv.  
Ms. Meenakshi Chauhan, Adv.  
Mr. Varun Singh, Adv.  
Mr. Gaurav Nair, Adv. for  
M/s. K.J. John & Co.

For Respondent(s) Mr. Mohan Parasaran, SG  
Mr. L. Nageshwar Rao, ASG  
Mr. Farrukh Rasheed, Adv.  
Mr. Alok Mishra, Adv.  
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

ORDER

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no. 1 in

T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

|(DEEPAK.MANSUKHANI) |(M.S. NEGI)

| Court Master | Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO(s). 47-48 OF 2013

THE GOVT. OF INDIA & ORS. ETC. ....Petitioner(s)

VERSUS

S. RAJU & ANR. ETC. ....Respondent(s)

WITH

TRANSFER PETITION(CIVIL) NO(s). 476 OF 2013

ORDER

Heard learned counsel for the parties.

Having regard to the facts and circumstances of the case, we are satisfied that this is a fit case where the prayer for transfer is to be allowed.

On the facts of the case, we allow these Transfer Petitions and direct that W.P(C) No. 439 of 2012 titled S. Raju Vs. Govt. of India and Others pending before the D.B. of the High Court of Judicature at Madras and PIL No. 10 of 2012 titled VickramCrishna andOthers Vs. UIDAI and Others pending before the High Court of Judicature at Bombay be transferred to this Court. The Registry of the High Court of Madras and Registry of the High Court of



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Bombay are requested to transmit the original records  
to this Court expeditiously.

These Transfer Petitions are accordingly allowed.

.....J.  
(Dr. B.S. CHAUHAN)  
.....J.  
(S.A. BOBDE)

NEW DELHI;

SEPTEMBER 23, 2013.

//TRUE TYPED COPY//

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ITEM NO.301

COURT NC.6

SECTION PIL

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 494/2012

JUSTICE K.S.PUTTASWAMY(RETD)& ANR

... Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay, impleadment, clarification/modification  
of Court's order, intervention, directions, permission to file  
additional documents, permission to file additional additional  
affidavit and office report)

(For Final Disposal)

WITH

T.C.(C) No. 151/2013

(With appln.(s) for impleadment as party respondent and  
appln.(s) for modification of court's order) T.C.(C) No.  
152/2013

W.P.(C) No. 829/2013

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(With appln.(s) for impleadment and impleadment/directions  
and interim relief and office report)

W.P.(C) No. 833/2013

(With appln.(s) for directions and appln.(s) for impleadment  
and appln.(s) for impleadment and appln.(s) for permission to  
file additional documents and Office Report)

W.P.(C) No. 932/2013

(With appln.(s) for directions and appln.(s) for interim  
directions and Office Report)

T.P.(C) No.

312/2014 (With

Office Report)

T.P.(C) No.

313/2014 (With

Office Report)

W.P.(C) No. 37/2015

(With appln.(s) for amendment of memo of parties and interim  
stay and permission to file additional documents and office  
report)

Date : 16/03/2015 These matters were called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Gopal Subramaniam, Sr. Adv.  
 Ms. Aishwarya Bhati, Adv.  
 Mr. Talha Abdul Rehman, Adv.  
 Ms. Neha Meena, Adv.  
 Ms. Anusha Ramesh, Adv.  
 Ms. Sadhana Saxena, Adv.  
 Mr. Shyam Divan, Sr. Adv.  
 Mr. Pratap Venugopal, Adv.  
 Ms. Surekha Raman, Adv.  
 Ms. Supriya Jain, Adv.  
 Mr. Gaurav Nair, Adv.  
 Ms. Niharika, Adv.  
 For M/s. K.J. John & Co.  
 Ms. Meenakshi Arora, Sr. Adv.  
 Mr. Rahul Narayan, Adv.  
 Mr. Mohit Singh, Adv.  
 Mr. Abhishek Atrey, Adv.  
 Ms. V. Mohana, Adv.  
 Mr. B. Raghunath, Adv.  
 Mr. Vijay Kumar, Adv.  
 Ms. Geeta Kovilam, Adv.  
 Mr. P.V. Kovilam, Adv.  
 Mr. Ankit Goel, Adv.  
 Mr. Sanjay Yadav, Adv.

for Mr. Anish Kumar Gupta, Adv.  
 Mr. Amit Meharia, Adv.  
 Mr. Tannishtha Singh, Adv.

For For Respondent(s) M/s. Meharia & Company

UOI

Mr. Ranjit Kumar, SG  
Mr. Maninder Singh, ASG Mr. Ajay  
Sharma, Adv.  
Ms. Binu Tamta, Adv.  
Ms. Meenakshi Grover, Adv.  
Mr. Zoheb Hossain, Adv.  
Mr. Abhinav Mukerji, Adv.

Mr. B.K. Prasad, Adv.  
Mr. D.S. Mahra, Adv.  
Mr. Prasanna S., Adv.  
Mr. Gopal Singh, Adv.  
Mr. Rituraj Biswas, Adv.  
Ms. Rashmi Srivastava, Adv.  
Ms. Shubra Rai, Adv.  
Mr. Jayant Bhushan, Sr. Adv.  
Mr. Kuldeep S. Parihar, Adv.  
Mr. H.S. Parihar, Adv.

State of  
Uttarakhand

Mr. Pankaj Bhatia, Adv.  
Mr. Dushyant Kumar, Adv.  
Mr. Vivek Choudhary, Adv.  
Mr. Jatinder Kumar Bhatia, Adv.  
Mr. Sumit Atrey, Adv.  
Ms. Priyadarshi Banerjee, Adv.  
Mr. Ankur Saigal, Adv.  
Mr. E.C. Agrawala, Adv.

State of Telangana

Mr. S. Udaya Kumar Sagar, Adv.  
Mr. Krishna Kumar Singh, Adv.

State of Gujarat

Ms. Hemantika Wahi, Adv.  
Ms. Jesal Wahi, Adv.  
Ms. Puja Singh, Adv.

State of Jharkhand

Mr. Tapeshe Kumar Singh, Adv.  
Mr. Kumar Anurag Singh, Adv.  
Mr. Mohd. Waquas, Adv.

Govt. of Puducherry

Mr. V.G. Pragasaam, Adv.  
Mr. S.J. Aristotle, Adv.  
Mr. Prabu Ramasubramanian, Adv.

ELI

Mr. Mohit Ram, Adv.  
Ms. Monisha Handa, Adv.  
Mr. Neeraj Kumar, Adv.

State of Assam

Mr. Riku Sarma, Adv.  
Mr. Navnit Kumar, Adv.  
M/s. Corporate Law Group

State of WB	Mr. Soumitra G. Chaudhuri, Adv. Mr. Anip Sachthey, Adv.
State of Nagaland	Ms. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. Mr. Balaji Srinivasan, Adv.
State of HP	Mr. J.S. Attri, Sr. Adv. Mr. Varinder Kumar Sharma, Adv. Mr. Sumeet Prakash, Adv.
State of Maharashtra	Ms. Asha Gopalan Nair, Adv. Mr. A.P. Mayee, Adv. Mr. A. Selvin Raja, Adv.
A&N Administration	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, Adv.
State of Sikkim	Ms. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. Mr. K. Vijay Kumar, Adv. M/s Arputham Aruna & Co., Adv.
State of Goa	Mr. Ninad Laud, Adv. Mr. Karan Mathur, Adv. Mr. Jayant Mohan, Adv.
State of Manipur	Mr. Sapam Biswajit Meitei, Adv. Mr. Z.H. Issac Haiding, Adv. Mr. Ashok Kumar Singh, Adv.
State of Rajasthan	Mr. Shiv Mangal Sharma, Adv. Mr. Shrey Kapoor, Adv. Ms. Ruchi Kohli, Adv.
State of HP	Mr. Suryanarayana Singh, AAG Ms. Pragati Neekhara, Adv.
State of Punjab	Mr. Sanchar Anand, Adv. Mr. Apoorv Singhal, Adv.
State of Kerala	Mr. Jogy Scaria, Adv. Mr. R.S. Bed, Adv.
State of Mizoram	Mr. K.N. Madhusoodhanam, Adv. Mr. T.G.N. Nair, Adv.
NCT of Delhi	Mr. J.M. Kalia, Adv.
State of Haryana	Mr. B.K. Satija, AAG
IA 5of 2014 in CWP 833/13	Mr. Sumit Attri, Adv. Mr. E.C. Agrawala, Adv.

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State of TN	Mr. Gopal Sankaranarayanan, Adv. Ms. Savita Singh, Ad. Mr. Prashant, Adv. Mr. B. Balaji, Adv. Mr. R. Rakesh Sharma, Adv. Ms. R. Shase, Adv.
State of Bihar UT Chandigarh	Mr. Abhinav Mukerji, Adv.  Ms. Vimla Sinha, Adv. Mr. Gopal Singh, Adv. Mr. Amit Sharma, Adv. Mr. Dipesh Sinha, Adv.
Beghar Foundation	Mr. Saikrishna Rajagopal, Adv. Mr. Juhen George, Adv. Mr. Arjun Ranganathan, Adv. Mr. Nikhil Nayyar, Adv. Mr. Kamal Mohan Gupta, Adv. Ms. C. K. Sucharita, Adv. Mr. Mishra Saurabh, Adv. Mr. Garvesh Kabra, Adv. Mr. T. G. Narayanan Nair, Adv. Ms. Anitha Shenoy, Adv.

UPON hearing the counsel the Court made the following

#### O R D E R

The matters require considerable time for hearing. Therefore, we direct the matters to be listed for hearing in the second week of July, 2015 after obtaining appropriate orders from Hon'ble the Chief Justice of India.

In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23<sup>rd</sup> September, 2013.

Pleadings be completed before the end of April, 2015.

All the parties are at liberty to file any further affidavit or documents, if they so wish.

(DEEPAK MANSUKHANI) (TAPAN KR. CHAKRABORTY)

COURT MASTER

COURT MASTER

//TRUE TYPED COPY//



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REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.494 OF 2012

Justice K.S. Puttaswamy (Retd.) & Another

... Petitioners

*Versus*

Union of India & Others

... Respondents

WITH

TRANSFERRED CASE (CIVIL) NO.151 OF 2013

TRANSFERRED CASE (CIVIL) NO.152 OF 2013

WRIT PETITION (CIVIL) NO.829 OF 2013

WRIT PETITION (CIVIL) NO.833 OF 2013

WRIT PETITION (CIVIL) NO.932 OF 2013

TRANSFER PETITION (CIVIL) NO.312 OF 2014

TRANSFER PETITION (CIVIL) NO.313 OF 2014

WRIT PETITION (CIVIL) NO.37 OF 2015

WRIT PETITION (CIVIL) NO.220 OF 2015

TRANSFER PETITION (CIVIL) NO.921 OF 2015

CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C)

494/2012

CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C)

494/2012

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ORDER

1. In this batch of matters, a scheme propounded by the Government of India popularly known as "Aadhaar Card Scheme" is under attack on various counts. For the purpose of this order, it is not necessary for us to go into the details of the nature of the scheme and the various counts on which the scheme is attacked. Suffice it to say that under the said scheme the Government of India is collecting and compiling both the demographic and biometric data of the residents of this country to be used for various purposes, the details of which are not relevant at present.

2. One of the grounds of attack on the scheme is that the very collection of such biometric data is violative of the "right to privacy". Some of the petitioners assert that the right to privacy is implied under Article 21 of the Constitution of India while other petitioners assert that such a right emanates not only from Article 21 but also from various other articles embodying the fundamental rights guaranteed under Part-III of the Constitution of India.

3. When the matter was taken up for hearing, Shri Mukul Rohatgi, learned Attorney General made a submission that in view of the judgments of this Court in *M.P. Sharma & Others v. Satish Chandra & Others*, AIR 1954 SC 300 and *Kharak Singh v. State of U.P. & Others*, AIR 1963 SC 1295, (decided by Eight and Six Judges respectively) the legal position regarding the existence of the fundamental right to privacy is doubtful. Further, the learned

AttorneyGeneral also submitted that in a catena of decisions of this Court rendered subsequently, this Court referred to "right to privacy", contrary to the judgments in the abovementioned cases which resulted in jurisprudentially impermissible divergence of judicial opinions.

"A power of search and seizure is in any system of jurisprudence an overriding power of the State for the protection of social security and that power is necessarily regulated by law. When the Constitution makers have thought fit not to subject such regulation to constitutional limitations by **recognition of a fundamental right to privacy**, analogous to the American Fourth Amendment, we have no justification to import it, into a totally different fundamental right, by some process of strained construction.

[See: M.P. Singh & Others v. Satish Chandra & Others, AIR 1954 SC 300, page 306 para 18]

"... Nor do we consider that Art. 21 has any relevance in the context as was sought to be suggested by learned counsel for the petitioner. As already pointed out, **the right of privacy is not a guaranteed right under our Constitution** and therefore the attempt to ascertain the movement of an individual which is merely a manner in which privacy is invaded is not an infringement of a fundamental right guaranteed by Part III." [See: Kharak Singh v. State of U.P. & Others, AIR 1963 SC 1295, page 1303 para 20]

[Emphasis supplied]

4. Learned Attorney General submitted that such impermissible divergence of opinion commenced with the judgment of this Court in *Gobind v. State of M.P. & Another*, (1975) 2 SCC 148, which formed the basis for the subsequent decision of this Court wherein the "right to privacy" is asserted or at least referred to. The most important of such cases are *R. Rajagopal & Another v. State of Tamil Nadu & Others*, (1994) 6 SCC 632 (popularly known as *Auto Shanker's case*) and *People's Union for Civil Liberties (PUCL) v. Union of India & Another*, (1997) 1 SCC 301.

5. All the judgments referred to above were rendered by smaller Benches of two or three Judges.

6. Shri K.K. Venugopal, learned senior counsel appearing for one of the respondents submitted that the decision of this Court in *Gobind (supra)* is not consistent with the decisions of this Court in *M.P. Sharma* and *Kharak Singh*. He submitted that such divergence is also noticed by the academicians, Shri F.S. Nariman, Senior Advocate of this Court and Shri A.M. Bhattacharjee<sup>1</sup>, Former Chief Justice, High Court at Calcutta and High Court at Bombay.

7. Therefore, it is submitted by the learned Attorney General and Shri Venugopal that to settle the legal position, this batch of matters is required to be heard by a larger Bench of this Court as these matters throw up for debate important questions – (i) whether there is any "right to privacy" guaranteed under our Constitution. (ii) If such a right exists, what is the source and what are the contours

of such a right as there is no express provision in the Constitution adumbrating the right to privacy. It is therefore submitted that these batch of matters are required to be heard and decided by a larger bench of at least five Judges in view of the mandate contained under Article 145(3)2 of the Constitution of India.

8. On behalf of the petitioners Shri Gopal Subramaniam and Shri Shyam Divan, learned senior counsel very vehemently opposed the suggestion that this batch of matters is required to be heard by a larger bench. According to them:

(i) The conclusions recorded by this Court in *R. Rajagopal* and *PUCL* are legally tenable for the reason that the observations made in *M.P. Sharma* regarding the absence of right to privacy under our Constitution are not part of ratio decidendi of that case and, therefore, do not bind the subsequent smaller Benches.

(ii) Coming to the case of *Kharak Singh*, majority in *Kharak Singh*

did hold that the right of a person not to be disturbed at his residence by the State and its officers is recognized to be a part of a fundamental right guaranteed under Article 21 which is nothing but an aspect of privacy. The observation in para 20 of the majority judgment at best can be construed only to mean that there is no fundamental right of privacy against the State's authority to keep surveillance on the activities of a person. Even such a conclusion cannot be good law anymore in view of the express declaration

made by a seven-Judge bench decision of this Court in *Maneka Gandhi v. Union of India & Another*, (1978) 1 SCC 2483.

(iii) They further argued that both *M.P. Sharma (supra)* and *Kharak Singh (supra)* came to be decided on an interpretation of the Constitution based on the principles expounded in *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27. Such principles propounded by *A.K. Gopalan* themselves came to be declared wrong by a larger Bench of this Court in *Rustom Cavasjee Cooper v. Union of India*, (1970) 1 SCC 248. Therefore, there is no need for the instant batch of matters to be heard by a larger Bench.

9. It is true that *Gobind (supra)* did not make a clear declaration that there is a right to privacy flowing from any of the fundamental rights guaranteed under Part-III of the Constitution of India, but observed that "Therefore, even assuming that the right to personal liberty, the right to move freely throughout the territory of India and the freedom of speech create an independent right of privacy as an emanation from them which one can characterize as a fundamental right, we do not think that the right is absolute".

This Court proceeded to decide the case on such basis.

10. However, the subsequent decisions in *R. Rajagopal (supra)* and

*PUCL (supra)*, the Benches were more categorical in asserting the existence of "right to privacy". While *R. Rajagopal's case* held that the "right to privacy" is implicit under Article 21 of the Constitution, *PUCL's case* held that the "right to privacy" insofar as it pertains to speech is part of fundamental rights under Articles 19(1)(a) and 21 of the Constitution.

11. Elaborate submissions are made at the bar by the learned counsel for the petitioners to demonstrate that world over in all the countries where Anglo-Saxon jurisprudence is followed, 'privacy' is recognised as an important aspect of the liberty of human beings. It is further submitted that it is too late in the day for the Union of India to argue that the Constitution of India does not recognise privacy as an aspect of the liberty under Article 21 of the Constitution of India. At least to the extent that the right of a person to be secure in his house and not to be disturbed unreasonably by the State or its officers is expressly recognized and protected in *Kharak Singh (supra)* though the majority did not describe that aspect of the liberty as a right of privacy, it is nothing but the right of privacy.

12. We are of the opinion that the cases on hand raise far reaching questions of importance involving interpretation of the Constitution. What is at stake is the amplitude of the fundamental rights including that precious and inalienable right under Article 21. If the observations made in *M.P. Sharma (supra)* and *Kharak*

*Singh(supra)* are to be read literally and accepted as the law of this country, the fundamental rights guaranteed under the Constitution of India and more particularly right to liberty under Article 21 would be denuded of vigour and vitality. At the same time, we are also of the opinion that the institutional integrity and judicial discipline require that pronouncement made by larger Benches of this Court cannot be ignored by the smaller Benches without appropriately explaining the

reasons for not following the pronouncements made by such larger Benches. With due respect to all the learned Judges who rendered the

subsequent judgments - where right to privacy is asserted or referred to their Lordships concern for the liberty of human beings, we are of the humble opinion that there appears to be certain amount of apparent unresolved contradiction in the law declared by this Court.

13. Therefore, in our opinion to give a quietus to the kind of controversy raised in this batch of cases once for all, it is better that the ratio decidendi of *M.P. Sharma (supra)* and *Kharak Singh(supra)* is scrutinized and the jurisprudential correctness of the subsequent decisions of this Court where the right to privacy is either asserted or referred be examined and authoritatively decided by a Bench of appropriate strength.



14. We, therefore, direct the Registry to place these matters before the Hon'ble the Chief Justice of India for appropriate orders.

.....J.

(J. Chelameswar)

.....J.

(S.A. Bobde)

.....J.

(C. Nagappan)

New Delhi

August 11, 2015

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REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO.494 OF 2012

Justice K.S. Puttaswamy (Retd.) & Another ... Petitioners

*Versus*

Union of India & Others ... Respondents

WITH

TRANSFERRED CASE (CIVIL) NO.151 OF 2013

TRANSFERRED CASE (CIVIL) NO.152 OF 2013

WRIT PETITION (CIVIL) NO.829 OF 2013

WRIT PETITION (CIVIL) NO.833 OF 2013

WRIT PETITION (CIVIL) NO.932 OF 2013

TRANSFER PETITION (CIVIL) NO.312 OF 2014

TRANSFER PETITION (CIVIL) NO.313 OF 2014

WRIT PETITION (CIVIL) NO.37 OF 2015

WRIT PETITION (CIVIL) NO.220 OF 2015

TRANSFER PETITION (CIVIL) NO.921 OF 2015

CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C)

494/2012

CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C)

494/2012

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ORDER

Having regard to importance of the matter, it is desirable  
that the matter be heard at the earliest.

.....J.

(J. Chelameswar)

.....J.

(S.A. Bobde)

.....J.

(C. Nagappan)

New Delhi

August 11, 2015

24  
REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO.494 OF 2012

Justice K.S. Puttaswamy (Retd.) & Another ... Petitioners

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WITH

TRANSFERRED CASE (CIVIL) NO.151 OF 2013

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494/2012

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494/2012

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## INTERIM ORDER

After the matter was referred for decision by a larger Bench, the learned counsel for the petitioners prayed for further interim orders.

The last interim order in force is the order of this Court dated 23.9.2013 which reads as follows:-

"....All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over. In the meanwhile, no person

should suffer for not getting the Aadhaar card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

It was submitted by Shri Shyam Divan, learned counsel for the petitioners that the petitioners having pointed out a serious breach of privacy in their submissions, preceding the reference, this Court may grant an injunction restraining the authorities from proceeding further in the matter of obtaining biometrics etc. for an Aadhaar card. Shri Shyam Divan submitted that the biometric information of an individual can be circulated to other authorities or corporate bodies which, in turn can be used by them for commercial exploitation and, therefore, must be stopped.

The learned Attorney General pointed out, on the other hand, that this Court has at no point of time, even while making the interim order dated 23.9.2013 granted an injunction restraining the Unique Identification Authority of India from going ahead and obtaining biometric or other information from a citizen for the purpose of a Unique Identification Number, better known as "Aadhaar card". It was further submitted that the respondents have gone ahead with the project and have issued Aadhaar cards to about 90% of the population. Also that a large amount of money has been spent by the Union Government on this project for issuing Aadhaar cards and that in the circumstances, none of the well-known considerations for grant of injunction are in favour of the petitioners.

The learned Attorney General stated that the respondents do not share any personal information of an Aadhaar card holder through biometrics or otherwise with any other person or authority. This statement allays the apprehension for now, that there is a widespread breach of privacy of those to whom an Aadhaar card has been issued. It was further contended on behalf of the petitioners that there still is breach of privacy. This is a matter which need not be gone into further at this stage.

The learned Attorney General has further submitted that the Aadhaar card is of great benefit since it ensures an effective implementation of several social benefit schemes of the

Governmentlike MGNREGA, the distribution of food, ration and kerosene through PDS system and grant of subsidies in the distribution of LPG. It was, therefore, submitted that restraining the respondents from issuing further Aadhaar cards or fully utilising the existing Aadhaar cards for the social schemes of the Government should be allowed.

The learned Attorney General further stated that the respondent Union of India would ensure that Aadhaar cards would only be issued on a consensual basis after informing the public at large about the fact that the preparation of Aadhaar card involving the parting of biometric information of the individual, which shall however not be used for any purpose other than a social benefits schemes.

Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner:-

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be a condition for obtaining any benefits otherwise due to a citizen;

3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDSScheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaarcad may also be used for the purpose of the LPG DistributionScheme;

4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.

Ordered accordingly.

.....J.

(J. Chelameswar)

.....J.

(S.A. Bobde)

.....J.

(C. Nagappan)

New Delhi

August 11, 2015



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ITEM NO.501

COURT NO.1

SECTION PIL(W)

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 494/2012

JUSTICE K.S.PUTTASWAMY(RETD)& ANR

... Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

... Respondent(s)

(With appln.(s) for interim relief and appln.(s) for impleadment/directions and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment , permission to file addl.documents and permission to file addl.affidavitand Office Report)

WITH T.C.(C) No. 151/2013

(With appln.(s) for modification of court's order and appln.(s) for impleadment as party respondent )

T.C.(C) No. 152/2013

With W.P.(C) No. 829/2013

(With appln.(s) for interim relief and appln.(s) for impleadment/directions and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment and Office Report)

W.P.(C) No. 833/2013

(With appln.(s) for permission to file additional documents and appln.(s) for impleadment and appln.(s) for directions and appln. (s) for impleadment and appln.(s) for impleadment and Office Report)

W.P.(C) No. 932/2013

(With appln.(s) for clarification of court's order and appln.(s) for directions and appln.(s) for interim directions and Office Report)

T.P.(C) No.

312/2014

(With Office Report)

T.P.(C) No. 313/2014

(With Office Report)

W.P.(C) No. 37/2015

31

(With appln.(s) for permission to file additional documents and appln.(s) for interim stay and appln.(s) for permission to file additional documents and appln.(s) for directions and appln.(s) for impleadment and Office Report)

W.P.(C) No. 220/2015 (With appln.(s) for directions and Office Report)

T.P.(C) No.  
921/2015 (With  
Office Report)

CONMT.PET.(C) No. 144/2014 In W.P.(C) No. 494/2012  
(With appln.(s) for directions and appln.(s) for directions and Office Report)

CONMT.PET.(C) No. 470/2015 In W.P.(C) No. 494/2012  
(With appln.(s) for exemption from filing O.T. and Office Report)

SLP(Crl) No. 2524/2014  
(With Office Report)

CONMT.PET.(C) No. 674/2015 In W.P.(C) No. 829/2013  
(With Office Report)

Date : 15/10/2015 These petitions/cases were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE M.Y. EQBAL

HON'BLE MR. JUSTICE C. NAGAPPAN

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) in

WP(C) No. 829/2013 Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Surekha Raman, Adv.

Mr. Anuj Sarma, Adv.

Ms. Niharika, Adv.

Ms. Titisha Mukherjee, Adv. For

M/s. K.J. John & Co., Adv.

WP(C) No. 37/2015

Mr. Gopal Subramaniam, Sr. Adv.

Ms. Aishwarya Bhati, Adv.

Mr. Talha Abdul Rahman, Adv.

Ms. Anusha Ramesh, Adv.

Mr. Prateek Joshi, Adv.

Ms. Neha Meena, Adv.

Mr. Anirban Sen, Adv.

Mr. Adarshtiwari, Adv.

Mr. T. Gopal, Adv.

Mr. Dinesh, Adv.

WP(C) no. 494/2012

Mr. Soli Sorabjee, Sr. Adv.

Mr. Sanjay Kumar Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Mr. Aditya Kumar Dubey, Adv.

Mr. Gaurav Kumar, Adv.

TP(C) No. 151/2013

Mrs. Geetha Kovilan, Adv.

Mr. P.R. Kovilan, Adv. Mr. V.

Vasudevan, Adv.

TP(C) No. 921/2015

Ms. Pinky Anand, ASG Mr. S.S.

Rawat, Adv.

Mr. D.S. Mahra, Adv.

TC(C) No. 152/2013 Ms. Meenakshi Arora, Sr. Adv.  
Mr. Rahul Narayan, Adv.  
Mr. Mohit Singh, Adv.  
Mr. Vijay Kumar, Adv.  
Mr. Amit Meharia, Adv.  
Mr. Dhritiman Das, Adv. for  
M/s. Meharia & Company, Adv.

WP(C) no. 932/2013 Dr. Abhishek Atrey, Adv.  
CC(C) no. 470/2015 Mr. Sella Kumar, Adv.  
For Respondent(s) Ms. Nitya Ramakrishnan, Adv.  
Mr. Shadan Farasat, Adv.  
Ms. Guneet Kaur, Adv.  
Ms. Rita Singh, Adv.  
Mr. Vaibhav Tiwari, Adv.

UOI Mr. Mukul Rohatgi, AG  
Ms. Pinky Anand, ASG  
Mr. Ajay Sharma, Adv.  
Mr. Zoheb Hossain, Adv.  
Mr. Pravesh Thakur, Adv.  
Mr. Manish Vashistha, Adv.  
Ms. Diksha Rai, Adv.  
Ms. Sadhana Sandhu, Adv.  
Mr. Harpreet S. Sandu, Adv.  
Mr. Kaushal Yadav, Adv.  
Mr. A. Sen Gupta, Adv.  
Devanshi Singh, Adv.  
Ms. Binu Tamta, Adv.  
Mr. Meenesh Kr. Dubey, Adv.  
Mrs. Anil Katiyar, Adv.  
Mr. D.S. Mahra, Adv.  
Mr. Vakul Sharma, Adv.  
Mr. J.M. Kalia, Adv.  
Mr. Balendu Shekhar, Adv.  
Ms. Somya Rathore, Adv.  
Ms. Kritika Sachdeva, Adv.  
Ms. Saudamini Sharma, Adv.  
Ms. Snibha Mehra, Adv.  
Mr. Karan Seth, Adv.  
Mr. Rishabh Jain, Adv.  
Mr. D.S. Mahra, Adv.

SEBI

Mr. Tushar Mehta, ASG  
 Mr. Avinash Tripathi, Adv.  
 Mr. Harish Pandey, Adv.

I.A.No.31/2015 in  
 W.P.(C)NO.494/12

Dr. Lalit Bhasin, Adv.  
 Mr. Nina Gupta, Adv.  
 Mr. Mudit Sharma, Adv.  
 Mr. Parvez Khan, Adv.  
 Ms. Palak Chadha, Adv.

IA no. 11/2014

Mr. Gopal Sankaranarayanan, Adv.  
 Ms. Savita Singh, Adv.  
 Ms. Nidhi Bhalla, Adv.

State of Telangana

Mr. S. Udaya Kumar Sagar, Adv. Mr.  
 Krishna Kumar Singh, Adv.

RBI

Mr. Jayant Bhushan, Sr. Adv.  
 Mr. Kuldeep S. Parihar, Adv.  
 Mr. H.S. Parihar, Adv.

State of Goa

Mr. Ninad Laud, Adv.  
 Mr. Karan Mathur, Adv.  
 Mr. Jayant Mohan, Adv.

State of Nagaland

Ms. K. Enatoli Sema, Adv.  
 Mr. Edward Belho, Adv.  
 Mr. Amit Kumar Singh, Adv.

A&amp;N Administration

Mr. K.V. Jagdishvaran, Adv. Ms. G.  
 Indira, Adv.

State of Assam

Mr. Navnit Kumar, Adv.  
 Ms. Deepika Ghatowor, Adv.  
 For M/s. Corporate Law Group, Adv.

State of HP

Mr. J.S. Attri, Sr. Adv.  
 Mr. Suryanarayana Singh, Sr. AAG  
 Mr. Varinder Kumar Sharma, Adv.  
 Mr. Sumeet Prakash, Adv.  
 Ms. Pragati Neekhara, Adv.

State of Maharashtra

Mr. Nachiketa Joshi, Adv.  
 Mr. Nishant Katneshwarkar, Adv.  
 Mr. Gopal Subramaniam, Sr. Adv.

I.A.NO.5/2014 in  
 W.P.(C)NO.833/2013

Mr. Priyadarshi Banerjee, Adv.  
 Mr. Praveen Sehrawat, Adv.  
 Mr. Saransh Jain, Adv.  
 Mr. E.C. Agrawala, Adv.

State of Bihar

Mr. Abhinav Mukerji, Adv. Ms.  
 Bihu Sharma, Adv.

State of AP	Mr. Guntur Prabhakar, Adv. Ms. Prerna Singh, Adv.
State of Uttarakhand	Mr. Mukesh Verma, Adv.
State of TN	Mr. Jatinder K. Bhatia, Adv. Mr. B. Balaji, Adv. Mr. R. Rakesh Sharma, Adv. Ms. R. Shase, Adv.
State of W.B.	Mr. Soumitra G. Chaudhuri, Adv. Mr. Parijat Sinha, Adv.
State of Manipur	Mr. Sapam Biswajit Meitei, Adv. Mr. Z.H. Isaac Haiding, Adv. Mr. S. Vijayanand Sharma, Adv. Mr. B. Khusbanshi, Adv. Mr. Ashok Kumar Singh, Adv.
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State of Sikkim	Ms. Aruna Mathur, Adv. Mr. Avnessh Arputham, Adv. Ms. Anuradha Arputham, Adv. For M/s. Arputham Aruna & Co., Adv.
ECI	Mr. Ashok Desai, Sr. Adv. Mr. S.K. Mendiratta, Adv. Ms. Anu Bindra, Adv. Mr. Mohit D. Ram, Adv.
State of Tripura	Mr. Gopal Singh, Adv.
State of Arunachal Pradesh	Mr. Rituraj Biswas, Adv. Ms. Varsha Poddar, Adv.
UT Chandigarh	Mr. Anil Shrivastav, Adv. Mr. Rituraj Biswas, Adv.
State of Kerala	Ms. Vimla Sinha, Adv. Mr. Gopal Singh, Adv.
State of Punjab	Mr. Jogya Scaria, Adv. Ms. Beena Victor, Adv.
State of Jharkhand	Mr. Sanchar Anand, AAG Mr. Nishant Bishnoi, Adv. Mr. Apoorv Singhal, Adv. Mr. J.S. Chhabra, Adv. Mr. Kuldeep Singh, Adv. Mr. Ajit Kr. Sinha, Sr. Adv. Mr. Tapes Kumar Singh, Adv. Mr. Mohd. Waquas, Adv.

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Govt. of Puducherry	Ms. Sylona Mohapatara, Adv.
	Mr. V.G. Pragasam, Adv.
	Mr. Prabu Ramasubramanian, Adv.
IA No. 5/2014 in	
WP(C) no. 833/2013	Mr. Praveen Sehrawat, Adv.
	Mr. Priyadarshi Banerjee, Adv.
	Mr. Nikhil Nayyar, Adv.
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	Ms. Maitreyee Mishra, Adv.
State of WB	Mr. Soumitra G. Chaudhuri, Adv.
	Mr. Anip Sachthey, Adv.
State of Rajasthan	Mr. Nitish Bagri, Adv.
	Mr. Divyesh Maheshwari, Adv.
	Mr. Ajay Choudhary, Adv.
	Mr. Gaurav Chaudhary, Adv.
	Ms. Mumtaz Bhalla, Adv.
	Mr. Abhay Kumar, Adv.
	Mr. Aniruddha P. Mayee, Adv.
I.A. Nos. 9 & 10/2013	Mr. Garvesh Kabra, Adv.
In WP(C) NO. 494/12	Ms. Pooja Kabra, Adv.
State of Gujarat	Ms. Hemantika Wahi, Adv.
	Ms. Jesal Wahi, Adv.
	Ms. Puja Singh, Adv.
	Ms. C. K. Sucharita, Adv.
	Mr. Kamal Mohan Gupta, Adv.
	Mr. Dinkar Kalra, Adv.
Mr. Amit Sharma, Adv.	
State of Haryana	Mr. Anil Grover, AAG
	Mr. Satish Kapoor, Adv.
	Mr. Sanjay Kr. Visen, Adv.
	Mr. Samar Vijay Singh, Adv.
	Mr. Gaurav Bhatia, AAG
State of U.P.	Mr. Adarsh Upadhyay, Adv.
	Mr. Gaurav Srivastava, Adv.
State of M.P.	Mr. Naveen Sharma, adv.
	Ms. Swati Bhushan Sharma, Adv.
	Mr. Mishra Saurabh, Adv.
I.A. No. 24 & 25/15	Mr. K. Ramamoorthy, Sr. Adv.



In WP(C)No.494/12

Mr.Dipak K. Nag, Adv.  
Mr.Parmanand Gaur, Adv.  
Ms.ApurvaUpamanyu, Adv.

I.A.Nos.22-23/15

In W.P.(C)NO.494/2012

Mr.SanjayKapur,Adv.  
Mr.AnmolChandan, Adv.  
Mr.AnoopJ.Bhambani, Sr.Adv.  
Dr.AbhishekAttrey, Adv.  
Mr.RavindraLakhande, Adv.  
Mr.SumitRajora, Adv.  
Mr.J.S.Attri, Sr.adv.

State of H.P.

Mr.Suryanarayana Singh,  
Sr.AAGMr.VarinderKr.Sharma,  
Adv.

Intervenor

Mr.ChandraNandJha, Adv.  
Mr.SaikrishnaRajagopal, Adv.  
Mr.Juhen George, Adv.  
Mr.ArjunRananathan, Adv.

Pen.Fun.Reg.&D.A.

Mr.R.Sudhinder, Adv.  
Ms.EktaBhasin, Adv.  
Mr.AshokMathur, Adv.

Mr.ShivMangalSharma,Adv.  
Mr.Ankit Shah, Adv.  
Mr.PuneetParihar, Adv.  
Mr.Shrey Kapoor, Adv.  
Mr.Nishit Agrawal, Adv.  
Ms.Anjali Chauhan, Adv.  
Mr.Sitesh Narayan Singh, Adv.  
Mr.SaurabhRajpal, Adv.  
Mr.AvanishRathi, Adv.  
Mr.VivekRanjanMohanty, Adv.  
Mr.Adhiraj Singh Rajawat, Adv.  
Mr.ShantiMukharjee, Adv.  
Mr.ManojK.Mishra, Adv.  
Ms.ShreyaMukharjee, Adv.  
Mr.SandeepKr.Dwivedi, Adv.  
Mr.ShivamVerma Adv.  
Mr.NikhilNayyar, Adv.  
Mr.Ranjan Mukherjee, Adv.  
Ms.AnithaShenoy, Adv.

I.A.NO.26/15

Ms.RuchiKohli, Adv.  
Mr.DinkarKalra, Adv.

Mr. Mohit D. Ram, Adv.

UPON hearing the counsel the Court made the following

**ORDER**

All the applications for intervention and impleadment be heard along with the respective main matters.

Application(s) filed by the Union of India/UIDAI is/are disposed of.

Since there is some urgency in the matter, we request the learned Chief Justice of India to constitute a Bench for final hearing of these matters at the earliest.

Ordered accordingly.

(G.V. Ramana)

(Vinod Kulvi)

AR-cum-PS

Asstt. Registrar

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 494 OF 2012

JUSTICE K.S. PUTTASWAMY (RETD) & ANR. ..PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

.. RESPONDENT

T.C.(C) No. 151/2013

T.C.(C) No. 152/2013

WRIT PETITION(C) No. 829/2013

WRIT PETITION(C) No. 833/2013

WRIT PETITION(C) No. 932/2013

TRANSFER PETITION(C) No. 312/2014

TRANSFER PETITION(C) No. 313/2014

WRIT PETITION(C) No. 37/2015

WRIT PETITION(C) No. 220/2015

TRANSFER PETITION(C) No. 921/2015

CONMT.PET.(C) No. 144/2014

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In

WRIT PETITION(C) No. 494/2012

CONMT.PET.(C) No. 470/2015

In

WRIT PETITION(C) No. 494/2012

SPECIAL LEAVE PETITION (CRL.) No. 2524/2014

CONMT.PET.(C) No. 674/2015

In

WRIT PETITION(C) No. 829/2013

**ORDER**

1. This Bench is constituted only for the purpose of deciding the applications filed by the Union of India seeking certain clarification/modification in the orders passed by a Bench of three learned Judges of this Court dated 11.08.2015.
2. We have heard Shri MukulRohtagi, learned Attorney General for India, Shri Shyam Divan, Shri Soli Sorabjee and Shri Gopal Subramaniam, learned senior counsels *in extenso*.

3. After hearing the learned Attorney General for India and other learned senior counsels, we are of the view that in paragraph 3 of the Order dated 11.08.2015, if we add, apart from the other two Schemes, namely, P.D.S. Scheme and the L.P.G.Distribution Scheme, the Schemes like The MahatmaGandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (Old Age Pensions, Widow Pensions, Disability Pensions) Prime Minister's Jan DhanYojana (PMJDY) and Employees' Providend Fund Organisation (EPFO) for the present, it would not dilute earlier orderpassed by this Court. Therefore, we now include the aforesaid Schemes apart from the other two Schemes that this Court has permitted in its earlier order dated 11.08.2015.
4. We impress upon the Union of India that itshall strictly follow all the earlier orders passed by this Court commencing from 23.09.2013.
5. We will also make it clear that theAadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other.

6. All the applications for intervention and impleadment be heard along with the respective main matters.
7. Application(s) for modification/ clarification filed by Union of India/UIDAI is/are disposed of.
8. Since there is some urgency in the matter, we request the learned Chief Justice of India to constitute a Bench for final hearing of these matters at the earliest.

Ordered accordingly.

.....CJI  
[ H.L. DATTU ]  
.....J.  
[ M.Y. EQBAL ]  
.....J.  
[ C. NAGAPPAN ]  
.....J.  
[ ARUN MISHRA ]  
.....J.  
[ AMITAVA ROY ]

NEW DELHI, OCTOBER 15, 2015.

//TRUE TYPED COPY//

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IN THE SUPREME COURT OF INDIA  
CONTEMPT PETITION NO. 2016  
IN  
WRIT PETITION NO.494/2012

**IN THE MATTER OF:**

Mathew Thomas  
18/A, Adarsh Vista,  
Basavanagar,  
Bangalore – 560027

... Petitioner

VERSUS

1. Shri Harsh Gupta,  
Principal Secretary,  
Food, Civil Supply and Consumer Affairs Department,  
Government of Karnataka,  
Room No: Vikas Soudha,  
Ambedkar Veedhi, Bengaluru 560001  
Karnataka State
2. Shri Vinay Sheel Oberoi,  
Secretary, Department of Higher Education,  
Ministry of Human Resource Development  
Government of India, Shastri Bhawan,  
New Delhi – 110001
3. Jaspal S. Sandhu,  
Secretary, University Grants Commission,  
Bahadur Shah Zafar Marg,  
New Delhi 110002  
R/at 111, Moti Bagh, New Delhi

... Contemnors

**AND IN THE MATTER OF:**

**IN WRIT PETITION NO.494/2012**

Justice K.S. Puttaswamy (Retd) & Anr

... Petitioner

VERSUS

Union of India & Ors.

... Respondents

**CONTEMPT PETITION UNDER ARTICLE 129 OF THE  
CONSTITUTION OF INDIA AND UNDER RULE 3 OF  
'THE RULES TO REGULATE PROCEEDINGS FOR  
CONTEMPT OF THE SUPREME COURT, 1975' READ  
WITH SECTION 23 OF THE 'CONTEMPT OF COURTS**

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ACT, 1971' AND ARTICLE 145 OF THE  
'CONSTITUTION OF INDIA'

TO  
THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED:

MOST RESPECTFULLY SHEWETH:

1. The Petitioner is filing the present petition for initiation of contempt proceedings against the Respondents / Contemnors for willful and deliberate violation of orders dated 23.09.2013, 16.03.2015, 11.08.2015 and 15.10.2015 passed by this Hon'ble Court in W.P. (Civil) 494/2012.
2. The Petitioner is the Petitioner in the writ petition - W.P. 37/2015, which has been filed challenging the constitutionality of Unique Identification Project or the Aadhaar Scheme launched by the Unique Identification Authority of India in 2010. The captioned writ petition is being heard by this Hon'ble Court along with other writ petitions, which also challenge the Unique Identification Project or the Aadhaar Scheme on diverse grounds.
3. This Hon'ble Court had on 23.09.2013, while issuing notice in the captioned writ petition, directed that "no



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person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant".

4. Further, on 24.03.2014, this Hon'ble Court, while issuing notice in SLP (Crl) 2524/2014 and tagging the Petition along with the batch of Petitions including the captioned Writ Petitions, led by W.P.(C) 494/2012, reiterated its earlier 23.09.2013 Order. This Court in its Order on 24.03.2014 further added that "All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith." True typed copy of Order dated 24.03.2014 passed by this Hon'ble Court in SLP (Crl.) No.2524/2014 is annexed herewith and marked as ANNEXURE P-1

[Pages

5. Further, on 16.03.2015, this Hon'ble Court upon being apprised of violations of its order dated 23.09.2013 by several governmental agencies and authorities, had again directed compliance of its order dated 23.09.2013.

6. Further, on 11.08.2015, this Hon'ble Court, while referring the petitions and all connected matters to a Constitution Bench, had ordered that the production of Aadhaar card will not be a condition for obtaining any benefits otherwise due to a citizen. The said order also directed the Union of India to give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain Aadhaar. Further, the said order limited the use of Aadhaar only for the purposes of distribution of food grain under the PDS scheme and the distribution of LPG and Kerosene.
7. Further, on 15.10.2015, this Hon'ble Court while partially allowing an Application for modification of the order dated 11.08.2015 by the Union of India to include certain other schemes under permitted uses for Aadhaar, reiterated that all interim orders of the Hon'ble Court starting from 23.09.2013 must be followed by Union and all other entities and also reiterated that Aadhaar enrolment shall be purely on a voluntary basis.
8. The aforesaid orders of this Hon'ble Court dated 23.09.2013, 24.03.2014, 16.03.2015, 11.08.2015 and 15.10.2015 clearly reveal that any measure that has the effect of rendering the enrolment for the Unique Identification Project or the Aadhaar Scheme mandatory

or compulsory has been proscribed. While the various issues of facts, law and constitutional vires raised in the petitions challenging the UID project are pending adjudication by this Hon'ble Court, The Unique Identification Project or the Aadhaar Scheme has been permitted to continue only on a voluntary basis, with the explicit direction that no person shall suffer on account of not possessing an Aadhaar Card/number, which is issued under this scheme. The continuing distress faced by many people including those who had been writing to this court complaining of violation of the court's orders led to the abovementioned 24.03.2014 Order which says that the forms/circulars must be reworked to indicate that Aadhaar is not a prerequisite to access any service provided by any agency or authority.

9. The present petition is directed against the Respondents / Contemnors, who have, taken decisions or issued directions, which render the Unique Identification Project or the Aadhaar Scheme compulsory and therefore in contumacious violation of this Court's Orders on different dates as mentioned above.
10. The orders of this Hon'ble Court have been brazenly flouted by the Respondents / Contemnors in the following manner:

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- I. The contemnor No.1 has issued a notification dated 28.04.2016 with No: CFS /PD/IV/2/2016-17, *inter alia*, stating that it is mandatory to submit Aadhaar card number details of each family member who has ration cards and that if they failed to submit the Aadhaar details, they will not receive Rations and that as already informed earlier, Aadhaar details should be submitted through sending sms or PDS Application filing centers, or in Fair Price shops or to department website <http://ahara.kar.nic>. Xerox copy alongwith true translated copy of the said Notification No. CFS/PD/IV/2/2016-17 dated 28.04.2016 issued by the Food, Civil Supplies and Consumer Affairs Department, Karnataka is annexed herewith and marked as **ANNEXURE P-2**

[Pages

- II. Further, there have also been statements issued in the Press to the effect conveying that Food grains will be temporarily stopped to those who do not furnish details. On 26<sup>th</sup> April 2016, there was a news report in the Bangalore edition of 'The Hindu' quoting the Bangalore Rural District Commissioner Mr. S. Paliah that Food grains under PDS will be temporarily stopped to those who do not enrol for

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and furnish the details of Aadhaar numbers of all family members. True typed copy of a News Report dated 26.04.2016 published in 'The Hindu' regarding "PDS card holders asked to submit Aadhaar number" is annexed herewith and marked as ANNEXURE P-3 [Pages

III. Further, as many as one hundred and forty six (146) people have all complained to their respective Tehsildar against the said notification and urging the department to withdraw the notification. Xerox copy alongwith true typed copy of one of the Complaint dated Nil made by one Shri K.C. Jagadish to The Tahsildar, Channapatana (T), Ramanagara (D), Karnataka State is annexed herewith and marked as ANNEXURE P-4 [Pages

IV. Further, the Petitioner herein wrote to the Respondent-contemnor pointing out the said orders of the Hon'ble Court and requesting the contemnor to withdraw the said notifications within seven days. Xerox copy alongwith true typed copy of the said Letter dated 04.05.2016 written by the Petitioner to the Respondent/Contemnor is annexed herewith and marked as ANNEXURE P-5 [Pages ]].

However, no further action has been taken by the

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Respondent/Contemnor to the best of Petitioner's knowledge.

V. The contemnor No.2 vide Notification No. 18-7/2013-U1A dated 10.06.2016 has instructed the University Grants Commission, that it is mandatory to submit "Aadhaar" for the disbursement of all Government subsidies/ Scholarship/ Fellowship. Xerox copy alongwith true typed copy of the said Letter D.O. No. F.8-2/2016 (SA-III-DBT-Aadhaar) dated 29.06.2016 written by the Contemnor No.3 to Publication Officer, UGC is annexed herewith and marked as ANNEXURE P-6 [Pages

VI. Further, the Petitioner herein wrote to the contemnor Nos.2 & 3 pointing out the said orders of the Hon'ble Court and requesting the contemnor to withdraw the said notifications within seven days. Xerox copy alongwith true typed copy of the said Letter dated 01.07.2016 written by the Petitioner to the Contemnor Nos.2 and 3 is annexed herewith and marked as ANNEXURE P-7 [Pages ]

However, no further action has been taken by the Respondent/Contemnor to the best of Petitioner's knowledge.

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VII. Further the fact that the orders of this Hon'ble Court as mentioned above are flagrantly being violated with all impunity may also be gauged from the fact that vide a reply no. 2907/ DCS & CA/ B4(b)/RTI/2016/1283 dated 19.07.2016 to RTI application preferred by the Petitioner, the Public Information Officer-cum-Deputy Director (CS & CA), Department of Civil Supplies & Consumer Affairs, Puducherry, has informed to the query regarding total no. of EAC category, namely fake, ghost cases of multiple BPL ration cards detected during past two years i.e. 2015 & 2016 that the Department is issuing Biometric based AADHAR integrated Smart Ration Card. Under this process so far, 9925 BPL cardholders (325 cards in 2015-16) who have not enrolled for Smart Ration Card have been deleted from the database. True typed copy of the Reply dated 19.07.2016 given by the Public Information Officer-cum-Deputy Director (CS & CA), Department of Civil Supplies & Consumer Affairs, Puducherry to the RTI application of the Petitioner is annexed herewith and marked as ANNEXURE P-8 [Pages

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VIII. Further continuing with their contemptuous act, Minister of Food and Civil Supplies, Government of Karnataka has made a statement wherein he has said that the department would make the biometric coupon based system compulsory for card holders to collect rations under the public distribution system (PDS) in the next three months. Under the Coupon based distribution System the beneficiaries will have to furnish their ration card and Aadhaar numbers at the kiosks. True typed copy of News Article dated 23.07.2016 published in Deccan Herald, News Daily containing the statement of the Minister is annexed herewith and marked as ANNEXURE P-9 [Pages

IX. Further, the flagrant violation of orders of this Hon'ble Court is also evident from the fact that vide a communication dated 02.08.2016 International Business Machines Corporation (IBM), an American Multinational Company, has issued directions to its ex Employees to update their AADHAR details without fail on or before 05 Aug. 2016, as the Government EPFO authorities have made it mandatory to all employers to collect AADHAR from their employees. It further mentions that IBM is



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required to seed the aforesaid AADHAAR numbers in Govt EPFO portal which is one of the "mandatory KYC (Know Your Customer) document". True typed copy of the email dated 02.08.2016 sent by the International Business Machines Corporation (IBM), an American Multinational Company, issuing directions to its ex-employees to update their AADHAR details without fail on or before 05 Aug. 2016 is annexed herewith and marked as ANNEXURE P-10 [Pages

11. The Petitioner submits that the above measures and actions and inactions of the Respondents / Contemnors, constitute a wilful and deliberate disobedience of the orders of this Hon'ble Court dated 23.09.2013, 16.03.2015, 11.08.2015 and 15.10.2015 passed in matters led by W.P.(Civil) 494/2012. The aforesaid measures and actions also betray an utter disregard on the part of the Respondents / Contemnors for the directions passed by this Hon'ble Court and fully warrant the initiation of contempt proceedings against them.
12. Even as the Union Government has been directed to give "wide publicity through all means, electronic and TV informing that UID / Aadhaar is voluntary, the Contemnors have proceeded to do just the opposite of making it

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mandatory in defiance of the repeated orders of this Hon'ble Court.

13. The Petitioner respectfully submits that the contempt can be purged only if the followings steps are taken by the contemnors:-

- i). withdraw the aforementioned circular No: CFS/PD/ IV/2/2016-17 dated 28.04.2016 passed by the Contemnor No.1 [Annexure P-2];
- ii). withdraw the aforementioned notification of the contemnor No.3 - University Grants Commission dated 29.06.2016 [Annexure P-7];
- iii). Contemnor No.1 should immediately issue a clarification in all regional newspapers that Aadhaar is not required to collect food grain under PDS or for any other purpose and that the earlier notification on 28.04.2016 is no longer in force and paste the same as a notice in all ration shops for information of BPL ration card holders;
- iv). Contemnors should immediately issue a clarification in all regional newspapers that Aadhaar is not required for the disbursement of all Government subsidies/ Scholarships /Fellowships under the

SS  
University Grants Commission or for any other purpose and that the earlier notification of 29.06.2016 is no longer in force;

v). Contemnors should allow all those who under such threats and coercion enrolled in the UID / Aadhaar scheme to withdraw their enrolments as not being voluntary;

vi). Contemnors should identify and compensate to all persons to whom they have coerced into enrolling for Aadhaar in implementing the said notification.

14. That the Petitioner states that he had earlier filed Contempt Petition No.444/2016 against the Secretary, Ministry of Petroleum & Natural Gas and the Chairman & Managing Director, Indian Oil Corporation Ltd. for non-compliance of the Orders dated 23.09.2013, 16.03.2015, 11.08.2015 and 15.10.2015 passed by this Hon'ble Court in W.P.(Civil) 494/2012. Except that, the Petitioner has not filed any other Contempt Petition in the subject matter.

**PRAYER**

The Petitioner, therefore, most respectfully prays to this Hon'ble Court that it may most graciously be pleased to:

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- a) initiate contempt proceedings against the Respondent-Contemnors for willfully and deliberately disobeying and violating orders dated 23.09.2013, 16.03.2015, 11.08.2015 and 15.10.2015 passed by this Hon'ble Court in W.P.(Civil) 494/2012; and the said Respondent accordingly be prosecuted by this Hon'ble Court for committing Contempt of Court; and/or
- b) pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

AND FOR THIS ACT OF KINDNESS PETITIONER, AS IN DUTY BOUND, SHALL EVER PRAY.

DRAWN & FILED BY:

DRAWN ON: 02.08.2016  
FILED ON: 08.08.2016

**[MS AISHWARYA BHATI]**  
ADVOCATE FOR THE PETITIONER

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IN THE SUPREME COURT OF INDIA  
CONTEMPT PETITION NO. 2016  
IN  
WRIT PETITION NO.494/2012

**IN THE MATTER OF:**

Mathew Thomas

... Petitioner

VERSUS

Shri Harsh Gupta & Ors

... Contemnors

**AND IN THE MATTER OF:**

**IN WRIT PETITION NO.494/2012**

Justice K.S. Puttaswamy (Retd) & Anr

... Petitioner

VERSUS

Union of India & Ors.

... Respondents

**AFFIDAVIT**

I, Mathew Thomas, son of Late T.P. John, R/o No.18-A, Adarsh Vista, Basavanagar, Bangalore-560037, Karnataka, presently at present at New Delhi, do solemnly affirm on oath and state as under:-

1. That I am the Petitioner in the aforesaid Contempt Petition and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear this Affidavit.
2. That the contents of the accompanying Contempt Petition have been drafted as per my instructions and I have read over the contents and understood the same.
3. That facts and contents stated in the aforesaid Contempt Petition and I.A. are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.
4. That the Annexures enclosed with the Contempt Petition are true copies of its respective originals.

DEPONENT

**VERIFICATION:**

Verified at New Delhi on this the 2nd day of August, 2016 that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

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ANNEXURE P-1

ITEM NO.57

COURT NO.4

SECTION IIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2524/2014.

(From the judgement and order dated 26/02/2014 in CRLWP

No.10/2014, of The HIGH COURT OF BOMBAY AT PANAJI)

UNIQUE IDENTIFICATION AUTH.OF INDIA &ANR

... Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

... Respondent(s)

(With appln. for exemption from filing c/c of the impugned

Judgment and office report)

Date: 24/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Mohan Parasaran, SG

Mr. Rakesh Khanna, ASG

Mr. Zohen Hossain, Adv.

Mr. Alck Mishra, Adv.

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Mr. D.S. Mahra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

ORDER

Issue notice.

In addition to normal mode of service, dasti service, is permitted  
Operation of the impugned order shall remain stayed.

In the meanwhile, the present petitioner is restrained from  
transferring any biometric information of any person who has  
been allotted the Aadhaar number to any other agency with out  
his consent in writing.

More so, no person shall be deprived of any service for want of  
Aadhaar number in case he/she is otherwise eligible/entitled All  
the authorities are directed to modify their forms/circulars/likes  
so as to not compulsorily require the Aadhaar number in order  
to meet the requirement of the interim order passed by this  
Court forth with.

Tag and list the matter with main matter i.e. WP(C) No.  
494/2012.

[Usha Bhardwaj]

[M.S. Negi]

A.R.-cum-P.S.

Assistant Registrar

//TRUE TYPED COPY//



## ಆಹಾರ, ನಾಗರಿಕ ಸರಬರಾಜು ಮತ್ತು ಗ್ರಾಹಕ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ವೆಬ್‌ಸೈಟ್: www.ahara.kar.nic.in

ಸಂಖ್ಯೆ: ಸಿಎಫ್‌ಎಸ್ / ಪಿಡಿ / IV / ಜಾಹೀರಾತು / 2 / 2016-17

ದಿನಾಂಕ: 28.04.2016

### ಅನ್ವಭಾಗ್ಯ ಯೋಜನೆಯ ಪಡಿತರ ಚೀಟಿದಾರರಿಗೆ ಮಾಹಿತಿ

- 1) ರಾಜ್ಯದ ಎಲ್ಲಾ ಜಿಲ್ಲೆಯಲ್ಲಿರುವ ಪಡಿತರ ಚೀಟಿಯಲ್ಲಿನ ಪ್ರತಿಯೊಬ್ಬ ಕುಟುಂಬ ಸದಸ್ಯರು ಆಧಾರ್ ಸಂಖ್ಯೆಯನ್ನು ಕಡ್ಡಾಯವಾಗಿ 15ನೇ ಮೇ 2016ರ ಒಳಗಾಗಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು. ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಪಡಿತರ ಹಂಚಿಕೆಯನ್ನು ಸ್ಥಗಿತಗೊಳಿಸಲು ಕ್ರಮವಹಿಸಲಾಗುವುದು. ಆಧಾರ್ ಸಂಖ್ಯೆಯನ್ನು ಈಗಾಗಲೇ ತಿಳಿಸಿದಂತೆ ಮೊಬೈಲ್ ಎಸ್.ಎಂ.ಎಸ್ ಮುಖಾಂತರ ಅಥವಾ ಪಡಿತರ ಚೀಟಿಗಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸುವ ಕೇಂದ್ರಗಳಲ್ಲಿ ಅಥವಾ ನ್ಯಾಯಬೆಲೆ ಅಂಗಡಿಗಳಲ್ಲಿ ಅಥವಾ ಇಲಾಖೆಯ ವೆಬ್‌ಸೈಟ್ <http://ahara.kar.nic.in> ಮುಖಾಂತರ ಸಲ್ಲಿಸಬಹುದಾಗಿದೆ.
- 2) ಇಲಾಖೆಯವರು ಪಡಿತರ ಚೀಟಿಯ ಹಂಚಿಕೆಯನ್ನು ರದ್ದು ಮಾಡದೇ ಇದ್ದರೂ ಸಹ ಕೆಲವು ನ್ಯಾಯಬೆಲೆ ಅಂಗಡಿ ವರ್ತಕರು ಪಡಿತರ ಚೀಟಿದಾರರಿಗೆ ಅವರ ಹಂಚಿಕೆ ರದ್ದಾಗಿದೆ ಎಂದು ತಿಳಿಸಿ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಮೋಸ ಮಾಡುತ್ತಿರುವ ಅಂಶ ತಿಳಿದುಬಂದಿದೆ. ಆದುದರಿಂದ ಪಡಿತರ ಚೀಟಿದಾರರು ಅವರ ಹಂಚಿಕೆ ಮಾಹಿತಿಯನ್ನು ನ್ಯಾಯಬೆಲೆ ಅಂಗಡಿಯಲ್ಲಿ ಲಭ್ಯ ಇರುವ ಅರ್ಹ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿ ಮುಖಾಂತರ ಅಥವಾ ಎಸ್‌ಎಂಎಸ್ ಮೂಲಕ ಪಡೆಯಬಹುದಾಗಿದೆ. ಎಸ್‌ಎಂಎಸ್ ಮಾಡಲು ಇಲಾಖೆಯ ಮೊಬೈಲ್ ಸಂಖ್ಯೆ 9731979899ಗೆ RCALOT<space>RCnumber ಎಂಬ ಸಂದೇಶವನ್ನು ಕಳುಹಿಸುವುದು.
- 3) ಪಡಿತರ ಖಾತ್ರಿ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಪ್ರತಿ ತಿಂಗಳ 1ನೇ ತಾರೀಖಿನಿಂದ ಮಾಹೆಯ ಎಲ್ಲಾ ದಿನಗಳು ಕಡ್ಡಾಯವಾಗಿ ಎಲ್ಲಾ ನ್ಯಾಯಬೆಲೆ ಅಂಗಡಿಗಳಲ್ಲಿ ಪಡಿತರ ಪದಾರ್ಥಗಳನ್ನು ಲಭ್ಯಗೊಳಿಸಲಾಗುತ್ತಿದೆ. ಅಲ್ಲದೇ ಮಾಹೆಯ ಎಲ್ಲಾ ದಿನಗಳು (ಮಂಗಳವಾರ ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರ ಘೋಷಿಸಿದ ರಜಾ ದಿನಗಳನ್ನು ಹೊರತುಪಡಿಸಿ) ಬೆಳಿಗ್ಗೆ 8 ರಿಂದ ಮಧ್ಯಾಹ್ನ 12 ರವರೆಗೆ ಮತ್ತು ಸಂಜೆ 4 ರಿಂದ 8 ಗಂಟೆಯವರೆಗೆ ನ್ಯಾಯಬೆಲೆ ಅಂಗಡಿಗಳನ್ನು ತೆರೆದು ಪಡಿತರ ಚೀಟಿದಾರರಿಗೆ ಪಡಿತರ ಪದಾರ್ಥಗಳನ್ನು ವಿತರಿಸುವುದು ಕಡ್ಡಾಯವಾಗಿರುತ್ತದೆ.
- 4) ಎಲ್ಲಾ ನ್ಯಾಯಬೆಲೆ ಅಂಗಡಿ ವರ್ತಕರು ಕಡ್ಡಾಯವಾಗಿ ರಸೀದಿಯನ್ನು ಪಡಿತರ ಚೀಟಿದಾರರಿಗೆ ನೀಡಬೇಕು. ಪಡಿತರ ವಿತರಣಾ ವ್ಯವಸ್ಥೆಯಡಿಯಲ್ಲಿ ನೀಡಲಾಗುತ್ತಿರುವ ಆಹಾರಧಾನ್ಯ ಮತ್ತು ಇತರೆ ವಸ್ತುಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ಮುಕ್ತ ಮಾರುಕಟ್ಟೆಯ ಇತರೆ ವಸ್ತುಗಳನ್ನು ವಿತರಿಸಬಹುದು. ಆದರೆ ಇತರೆ ವಸ್ತುಗಳನ್ನು ಪಡಿತರ ಚೀಟಿದಾರರಿಗೆ ಒತ್ತಾಯಪೂರ್ವಕವಾಗಿ ಮಾರಾಟ ಮಾಡುವಂತಿಲ್ಲ. ಹಾಗೂ ಇತರೆ ವಸ್ತುಗಳ ವಿತರಣೆಗೂ ಕಡ್ಡಾಯವಾಗಿ ರಸೀದಿಯನ್ನು ನೀಡಬೇಕು.
- 5) ಈ ವಿಷಯಗಳ ಕುರಿತು ಯಾವುದಾದರೂ ದೂರು ಇದ್ದಲ್ಲಿ ಇಲಾಖೆಯ ಸ್ಥಳೀಯ ಅಧಿಕಾರಿಗಳನ್ನು ಅಥವಾ ತಾಲ್ಲೂಕಿನ ತಹಶೀಲ್ದಾರ್ ಹಾಗೂ ಜಿಲ್ಲೆಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳನ್ನು ಸಂಪರ್ಕಿಸಬಹುದಾಗಿದೆ. ಇದಲ್ಲದೇ, ಇಲಾಖೆಯ ದೂರವಾಣಿ ಸಂಖ್ಯೆ: 1967 ಗೆ ಕರೆ ಮಾಡಿ ದೂರನ್ನು ಸಲ್ಲಿಸಬಹುದಾಗಿದೆ.

ಸಹಿ/

(ಹರ್ಷ ಗುಪ್ತ)

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿಗಳು,

ಆಹಾರ, ನಾಗರಿಕ ಸರಬರಾಜು, ಗ್ರಾಹಕ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಕಾನೂನು ಮಾಪನಶಾಸ್ತ್ರ ಇಲಾಖೆ.

ಕರ್ನಾಟಕ ಪಾತಕ



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FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS  
DEPARTMENT

[www.ahara.kar.nic.in](http://www.ahara.kar.nic.in)

No:CFS /PD/IV/2/2016-17 date 28.04.2016

Information to Annabhagya Yojana Ration Card Holders

1. It is Mandatory to submit Aadhaar Card number of each of the family member who has Ration Cards. If they failed submit the Aadhaar details they will not receive Rations. As already informed earlier Aadhaar details should be submitted through sending sms or PDS Application filing centers, or in Fair Price shops or to department website <http://ahara.kar.nic>.
2. We got to know that even though the Ration Card has not been blocked the Fair Price shop owners cheating people by saying their Ration cards are blocked. However the Ration Card holders can receive Fair Price shop Ration distribution information through SMS. To send SMS type RCALOT< space>RC number and send to department No: 9731979899.
3. Every month all the rations should be available in Fair price shop from 1<sup>st</sup> of month to all the days as it is ensured in the PDS yojana(except on Tuesday and the Govt Holidays). It is mandatory that each Fair Price shop should be open morning 8am to 12am and evening 4 to 8pm and delivery the rations to all the ration card holders.

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4. It is mandatory that all the Fair Price shop owners submit receipt for all the deliverable goods. Along with the rations they can also sale open market products. But they cannot force people to buy and for all the sale of products they should give receipt.
5. People can submit their grievances to Tahsildar and District Collector. And also they can call -1967.

Harsha Gupta  
Government Secretary  
Food Civil Supplies and Consumer Affairs Department

// TRUE, TRANSLATED COPY //

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**ANNEXURE P-3**

**THE HINDU**

**CITIES » BENGALURU**

Published: April 26, 2016 00:00 IST | Updated: April 26, 2016  
05:32 IST BENGALURU, April 26, 2016

**PDS card holders asked to submit Aadhaar number**

*.Staff Reporter*

It is mandatory for all Public Distribution System card holders to submit Aadhaar numbers.

Those who have not submitted Aadhaar numbers have to submit it by May 15 compulsorily, said Bengaluru Rural District Commissioner S. Palaiah, according to an official release.

Cautioning those who have not submitted the same, he said, food grains will be temporarily stopped to such card holders. Aadhaar card numbers of family members should be submitted by sending a message to mobile number 9731979899. Alternatively, it could be submitted at the office of the village panchayat, Atal Jana Snehi Centres at hobli level, service centres in urban areas, and in district centres, Bangalore One and Karnataka One Centres.

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The release said those who have submitted applications for Aadhaar card but are yet to receive it can submit 21 EID registration numbers.

Food grains will be temporarily stopped to those who do not furnish details

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Printable version | May 13, 2016 8:35:23 AM |

<http://www.thehindu.com/news/cities/bangalore/pds-card-holders-asked-to-submitaadhaar-number/article8521250.ece>

//TRUE TYPED COPY//

Annexure P-4

To

Date:

65

The Tashildar,

Channarayana (T)  
Ramanagara (D)

Dear Sir/Madam,

Subject: Forcing enrollment for Aadhaar to get ration in Contempt of Supreme Court orders of 11<sup>th</sup> August 2015 and 16<sup>th</sup> October 2015

I K.C. Jagadeesh S/O, D/O, W/O T. Channegowda aged

Kolur resident of Channarayana Tz Ramanagara Dist holding

BPL/Antyodaya Ration Card No. CNPR 00 141932

Today I went our PDS shop No. 43-43 - A. Channegowda Awarali and found a notice pasted in front of the office. I was told the following about it.

A Karnataka Government notification Number CFS/PD/IV/adv/2/2016-17 dated 28.04.2016

has been published in several newspapers, such as Vijaya Karnataka, Prajavani etc. It is also

displayed in fair price shops. The notification states that if one fails to submit my UID /

Aadhaar number by 15<sup>th</sup> May 2016, S/he will not be eligible for PDS ration and other

government welfare/benefits.

I request you to withdraw the above notification since it is contrary to the Supreme Courts' orders.

Yours faithfully,

K.C. Jagadeesh

I have been helped by yashoda

to file this complaint/request in English. It has

been read and explained to me and I sign the

same as correct

Signature

K.C. Jagadeesh

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ANNEXURE P-4

To

Date: N/

The Tashildar,

Channapatana (T)

Ramanagara (D)

Dear Sir/Madam,

Subject: Forcing enrollment for Adhaar to get ration in  
Contempt of Supreme Court orders of 11<sup>th</sup> August 2015  
and 16<sup>th</sup> October 2015

I K.C. Jagadish S/o, T. Channegowda aged  
Kolur. Resident of Channapatana (T), Ramanagara. Dist.  
Holding BPL/Antyodaya Ration Card No. CNPR 00141932  
Today I went our PDS shop No. 43-4.-A. Channegowda  
Auraliet and found a notice pasted in front of the office. I  
was told the following about. It.

A Karnataka Government notification Number  
CFS/PD/IV/advt/2/2016-17 dated 28.04.2016 has been  
published in several newspapaers, such as Vijaya  
Karnataka, Prajavani etc. it is also displayed in fair price  
shops. The notification states that if one fails to submit

67

my UID/Aadhaar Number by 15<sup>th</sup> May 2016, he will not be eligible for PDS ration and other government welfare/benefits.

I request you to withdraw the above notification since it is contrary to the Supreme Court's orders.

I have been helped by Jashodia.  
To file this complaint/request in English. It has been read and explained to me and i sign the same as correct

Signature : Sd/- K.C. Jagadeesh.

Yours faithfully,  
K.C. Jagadeesh

//TRUE TYPED COPY//

Annexure P-5 68

File No: Contempt-Food, Civ Sup & CA - 1

Date: Wednesday, May 4, 2016

From:

Mathew Thomas

# 18 / A, Adarsh vista, Basavanagar,  
Bengaluru 560037

To:

Harsha Gupta

Principal Secretary

Food, Civil Supply and Consumer Affairs department,  
Government of Karnataka, Room No: Vikasa Soudha,  
Ambedkar Veedhi, Bengaluru 560001

Dear Madam,

Subject: Contempt of Supreme Court Orders dated 11 Aug 2015 and 16  
Oct 2015

Reference: Statement of Shri S Palaiah, Bangalore Rural District  
Commissioner quoted in 'The Hindu' dated 26 April 2016 insisting that  
unless UID / Aadhaar number is furnished food grains will be temporarily  
stopped.

Please refer to your above advertisement statement of your officer. The link  
to the news is here: < [http://www.thehindu.com/news/cities/bangalore/pds-  
card-holders-asked-to-submit-aadhaar-number/article8521250.ece](http://www.thehindu.com/news/cities/bangalore/pds-card-holders-asked-to-submit-aadhaar-number/article8521250.ece)>



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I have attached extracts of the relevant portion of the Supreme Court Orders mentioned in the subject title herein for your easy reference.

**Extract of Order dated 11 Aug 2015:**

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;

**Extract of Order dated 16 Oct 2015:**

We will also make it clear that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this court one way or the other.

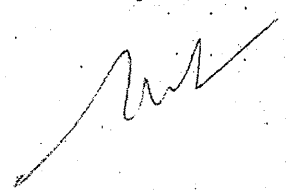
You may kindly note that the statement of your officer is in contempt of the above Supreme Court orders.

You may also please note that in its order of 11 Aug 2015, the Supreme Court has ordered that wide publicity be given to the fact that UID / Aadhaar shall NOT be made a condition for any benefit or service.

Failure to give such publicity will also be tantamount to contempt of the Court.

Apart from the fact that your department has not given wide publicity that UID / Aadhaar is purely voluntary, one of your officers has made a public statement contrary to the Apex Court's orders.

You are requested to immediately, within 7 days from the date of this letter, advertise and publicize that UID / Aadhaar is NOT mandatory for PDS or



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. any other welfare scheme of your department, that the statement of Shri Palaiah, as quoted in 'The Hindu' of 26 Apr 2016 is incorrect.

Please give wide publicity as ordered by the Supreme Court of India through all media, retracting the statement of your official and affirming that your department will abide by the Court's orders.

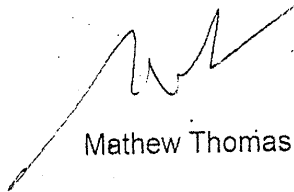
Please note that should you fail to comply with my request herein, I shall be constrained to approach the Supreme Court for relief and you may be liable to all consequences thereof.



Thanking you,



Yours truly,



Mathew Thomas

Cont - -

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**Extract of Supreme Court Order dated 11 Aug 2015:**

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits, otherwise due to a citizen;

**Extract of Supreme Court Order dated 16 Oct 2015:**

We will also make it clear that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other.

SP DOLAR (540071)  
EIN:258295304 IN  
Counter No:1, OP-Code:64440  
To: HWSHA GUPTA, FCCDA  
BANGALORE, PIN:560001  
From: MATHEW THOMAS, BS 37  
Wt:20grams,  
Amt:17.00, 10/05/2016, 14:35  
Taxes:Rs.2.00<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)



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**ANNEXURE P-5**

File No: Contempt-Food, Civ Sup & CA - 1

Date: Wednesday, May 4, 2016

From:

Mathew Thomas

# 18/A, Adarsh vista, Basavanagar,  
Bengaluru 560037

To:

Harsha Gupta

Principal Secretary

Food, Civil Supply and Consumer Affairs department,  
Government of Karnataka, Room No: Vikasa Soudha,  
Ambedkar Veedhi, Bengaluru 560001

Dear Madam,

Subject : Contempt of Supreme Court Orders dated 11  
Aug 2015 and 16 Oct 2015

Reference: Statement of Shri S Palaiah, Bangalore Rural  
District Commissioner quoted in 'The Hindu' dated 26  
April 2016 insisting that unless UID/Aadhaar number is  
furnished food grains will be temporarily stopped.

Please refer to your above advertisement statement of  
your officer. The link to the news is here: <  
<http://www.thehindu.com/news/cities/bangalore/pdsca>

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rd-holders-asked-to-submit-aadhaar-  
number/article852125.ece>

I have attached extracts of the relevant portion of the Supreme Court Orders mentioned in the subject title herein for your easy reference.

Extract of Order dated 11 Aug 2015:

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;

EXTRACT OF ORDER DATED 16 OCT 2015:

We will also make it clear that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this court one way or the other.

You may kindly note that the statement of your officer is in contempt of the above Supreme Court orders.

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You may also please note that in its order of 11 Aug 2015, the Supreme Court has ordered that wide publicity be given to the fact that UID/Aadhaar shall NOT be made a condition for any benefit or service.

Failure to give such publicity will also be tantamount to contempt of the Court.

Apart from the fact that your department has not given wide publicity that UID/Aadhaar is purely voluntary, one of your officers has made a public statement contrary to the Apex Court's orders.

You are requested to immediately, within 7 days from the date of this letter, advertise and publicize that UID/Aadhaar is NOT mandatory for PDS or any other welfare scheme of your department, that the statement of Shri Palaiah, as quoted in 'The Hindu' of 26 Apr 2016 is incorrect.

Please give wide publicity as ordered by the Supreme Court of India through all media, retracting the statement of your official and affirming that your department will abide by the Court's orders.

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Please note that should you fail to comply with my request herein, I shall be constrained to approach the Supreme Court for relief and you may be liable to all consequences thereof.

Thanking you,

Yours truly,

Sd/-

Mathew Thomas

Extract of Supreme Court Order dated 11 Aug 2015:

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;

Extract of Supreme Court Order dated 16 Oct 2015:

We will also make it clear that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other.

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SP --- <5600715>

EK258295304IN

India Post

Counter No : 1. OP-Code : RaMMJ

To : HARSHA GUPTA, FOODA

Bangalore, PIN : 560001

From : Mathew Thomas, BG 37

Wt : 20 grams.

Amt : 17.00 10.05.2016 14:35

Taxes : Rs. 2.00<<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)

//TRUE TYPED COPY//





प्रो (डॉ) जसपाल एस. संधू  
सचिव

Prof. Dr. Jaspal S. Sandhu  
MBBS, MS (Ortho), DSM, FAMS, FASM, FAFSM, FFIMS, FAMS  
Secretary



विश्वविद्यालय अनुदान आयोग  
University Grants Commission

(मानव संसाधन विकास मंत्रालय, भारत सरकार)  
(Ministry of Human Resource Development, Govt. of India)

बहादुरशाह जफर मार्ग, नई दिल्ली-110002  
Bahadur Shah Zafar Marg, New Delhi-110002

Ph.: 011-23239337, 23236288,  
Fax : 011-23238858, email : jssandhu.ugc@nic.in.

D.O.No.F.8-2/2016(SA-III-DBT-Aadhaar)

29<sup>th</sup> June, 2016

Dear Sir/Madam,

The Ministry of Human Resource Development, Government of India vide its letter D.O. No.18-7/2013-U1A dated 10th June, 2016 has instructed the University Grants Commission that from the financial year 2016-17 onwards the Aadhaar has been mandatory for disbursement of all Government subsidies/Scholarships/Fellowships which are to be disbursed directly into the beneficiaries' account. The Universities are requested that they may seek the details of the beneficiaries and put all information on universities/institutions' website and email a copy of the same immediately to Dr. Sunita Siwach, Deputy Secretary (Selection and Awards), UGC on ssiwach.ugc@nic.in. In case of any clarification, you are requested to contact Dr. Sunita Siwach on her telephone 011-23235640.

It is requested that in case some of the beneficiaries do not have Aadhaar Cards they may be instructed to get themselves enrolled immediately in the Regional Offices of Unique Identification Authority of India (UIDAI), Government of India for obtaining the same.

I reiterate that Aadhaar has been mandatory from this financial year (2016-17) onwards for disbursement of Scholarships/Fellowships and to prevent any hardship to the fellows/scholars, it would be appropriate that immediate action is taken by your esteemed university/institution and the affiliated colleges so that the data is made available to the UGC to allow seamless flow of the scholarships/fellowships to the beneficiaries.

With kind regards,

Yours sincerely,

(Jaspal S. Sandhu)

The Vice-Chancellor of all Universities/Institutes

Copy to :

Publication Officer, UGC for uploading on UGC website.

(Jaspal S. Sandhu)

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**ANNEXURE P-6**

Pro. Dr. Jaspal S. Sandhu Sachiv MBBS, MS (Ortho), DSM, FAIS, FASM, FAFSM, FFIMS, FAMS Secretary	University Grants Commission (Ministry of Human Resource Development, Govt. of India) Bahadur Shah Zafar Marg, New Delhi-110002 PH. : 011-23239337, 23236288, Fax : 011-23238858, email : jssandhu.ugo@nic.in
--	--

29th June, 2016

D.O. No. F. 8-21201 6(SA-I I I-DBT-Aadhaar )

Dear Sir/Madam,

The Ministry of Human Resource Development, Government of India vide its letter D.O. No.18-712013-U1A dated 10th June, 2016 has instructed the University Grants Commission that from the financial year 2016-17 onwards the Aadhaar has been mandatory for disbursement of all Government subsidies/Scholarships/Fellowships which are to be disbursed directly into the beneficiaries' account. The Universities are requested that they may seek the details of the beneficiaries and put all information on universities/institutions' website and email a copy of the same immediately to Dr. Sunita Siwach, Deputy Secretary (Selection and Awards), UGC on ssiwach.ugc@nic.in. In case of any clarification, you are

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requested to contact Dr. Sunita Siwach on her telephone  
011-23235640.

It is requested that in case some of the beneficiaries do  
not have Aadhaar Cards they may be instructed to get  
themselves enrolled immediately in the Regional Offices  
of Unique Identification Authority of India (UIDAI),  
Government of India for obtaining the same.

I reiterate that Aadhaar has been mandatory from this  
financial year (2016-17) onwards for disbursement of  
Scholarships/Fellowships and to prevent any hardship to  
the fellows/scholars, it would be appropriate that  
immediate action is taken by your esteemed  
university/institution and the affiliated colleges so that  
the data is made available to the UGC to allow seamless  
flow of the scholarships/fellowships to the beneficiaries.

With kind regards,  
Your Sincerely

Sd/-  
(Jaspal S. Sandhu)  
The Vice-Chancellor of all Universities/Institutes

Copy to :  
Publication Officer, UGC for uploading on UGC website.  
Sd/-  
(Jaspal S. Sandhu)

//TRUE TYPED COPY//

Annexure P-7 80

File No: MHRD-UGC-Ver - 2 UID for Scholarships - 1

Friday, 01 July 2016 From

From:

Mathew Thomas,

# 18 / A, Adarsh Vista, Basavanagar, Bengaluru 560037

To:

The Secretary, Government of India Ministry of Human Resource Development Department of Higher Education Shastri Bhawan, Rajendra Prasad Road, New Delhi - 110 001

Sir / Madam,

Subject: UID / "Aadhaar" Mandatory for Government Benefits / Scholarships / Fellowships

I understand that the Ministry of Human Resource Development (MHRD) has issued an order with D.O No: 18 - 72013 - UIA dated 10 Jun 2016 making UID / "Aadhaar" mandatory for all government benefits / scholarships / fellowships.

I have filed a writ petition in the Supreme Court of India (No. 37 of 2015) against the implementation of the UID Scheme.

I would like to inform you that the order of the MHRD is contrary to the orders of the Supreme Court of India dated 11 Aug 2016.

An extract of the said order is placed below.

**Extract of Supreme Court Order**

Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner: -

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar

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card may also be used for the purpose of the LPG Distribution Scheme;

4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.

Ordered accordingly.

(DEEPAK MANSUKHANI) (INDU BALA KAPUR)  
COURT MASTER COURT MASTER  
(Three signed reportable Orders are placed on the file)

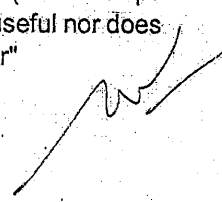
Hence, I suggest to you to withdraw the said order within 7 days of the receipt of this letter and give wide publicity to the same as directed by the Supreme Court of India.

Please publish the fact of the withdrawal of the order in the MHRD website and write to all universities informing of the same.

Kindly inform me of the action taken as per the suggestions herein, failing which, I may be constrained to approach the Supreme Court for appropriate remedy by way of an application for contempt of its orders.

Apart from the legal aspects of the matter as stated here, I would also like to inform you the following, in case you are not aware of these facts.

1. UIDAI has made false claims that UID / "Aadhaar" is a unique ID. Research by 4 National Academies of the USA (The National Academy of Sciences, National Academy of Engineering, Institute of Medicine and National Research Council) have concluded that "Biometrics is inherently probabilistic and hence, inherently fallible"
2. I have submitted to the Supreme Court mathematical proof of the fallibility of UID / "Aadhaar" using conditional probability theory and taking UIDAI's specifications as the basis
3. In the counter affidavit to my writ petition the respondents have made a claim that 80 million false / duplicate enrolments in UID have been detected (among 800 million enrolled at that time). In fact, these are false positive matches erroneously labelled as false / duplicates
4. There is no need for linking government subsidies (scholarships etc.) to UID / "Aadhaar" since, such linking is neither useful nor does it prevent fraud. DBT does not require UID / "Aadhaar"



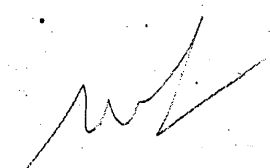
82

5. UID / "Aadhaar" is for all residents. Government subsidies are for citizens
6. All UID data is accessible to foreign private companies and this is dangerous. I have submitted documentary proof of this with my writ petition
7. The Parliamentary Standing Committee on Finance repeatedly stated in its report that the UID Scheme is a threat to national security.

Surely, neither MHRD nor UGC would like to indulge in actions that pose a danger to the Nation.

May I also suggest that you bring the above facts to the notice of the Honourable Minister of the MHRD?

Yours truly,

  
Mathew Thomas

OF NEW THIRUPANUR 560075  
EK256790149IN  
Counter No:1, CP-Code:PA  
To: THE SECRETARY, GOVERNMENT OF INDIA  
DELHI, PIN:110001  
From: MATHW THOMAS, 18/A BG 37  
Wtl:18grams,  
Anti:40.00, 01/07/2016, 17:46  
Taxes:Rs.5.00<Track on www.indiapost.gov.in>>

CC to: The Secretary, University Grants Commission, Bahadur Shah Zafar Marg, New Delhi 110002 (Kind Attention – Prof. Dr. Jaspal S. Sandhu)

With a suggestion for similar action as above and additionally to write to all recipients of your letter No: D.O F 8-2/2016 – III-DBT-Aadhaar dated 29 Jun 2016 informing them that action need not be taken as mentioned in the said letter.

OF NEW THIRUPANUR 560075  
EK256790152IN  
Counter No:1, CP-Code:PA  
To: THE SECRETARY, UNIVERSITY GRANTS CO  
DELHI, PIN:110002  
From: MATHW THOMAS, 18/A BG 37  
Wtl:18grams,  
Anti:40.00, 01/07/2016, 17:47  
Taxes:Rs.5.00<Track on www.indiapost.gov.in>>

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**ANNEXURE P-7**

File No: MHRD-UGC-Ver - 2 UID for Scholarships - 1  
Friday, 01 July 2016 From

From:

Mathew Thomas,

# 18 / A, Adarsh Vista, Basavanagar, Bengaluru 560037

To:

The Secretary, Government of India Ministry of Human  
Resource Development Department of Higher Education  
Shastri Bhawan, Rajendra Prasad Road, New Delhi -  
110001

Sir / Madam,

Subject : UID/"Aadhaar" Mandatory for Government  
Benefits / Scholarships / Fellowships

I understand that the Ministry of Human Resource  
Development (MHRD) has issued an order with D.O No: 18  
- 72013 - UIA dated 10 Jun 2016 making UID / "Aadhaar"  
mandatory for all government benefits / scholarships /  
fellowships.

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(No. 37 of 2015) against the implementation of the UID  
Scheme.

I would like to inform you that the order of the MHRD is  
contrary to the orders of the Supreme Court of India dated

84

11 Aug 2016.

An extract of the said order is placed below.

Extract of Supreme Court Order

Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner: -

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;
4. The information about an individual obtained by the



85  
Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.

Ordered accordingly.

(DEEPAK MANSUKHANI) (INDU BALA KAPUR)

COURT MASTER COURT MASTER

(Three signed reportable Orders are placed on the file)

Hence, I suggest to you to withdraw the said order within 7 days of the receipt of this letter and give wide publicity to the same as directed by the Supreme Court of India.

Please publish the fact of the withdrawal of the order in the MHRD website and write to all universities informing of the same.

Kindly inform me of the action taken as per the suggestions herein, failing which, I may be constrained to approach the Supreme Court for appropriate remedy by way of an application for contempt of its orders.

Apart from the legal aspects of the matter as stated here, I

86

would also like to inform you the following, in case you are not aware of these facts.

1. UIDAI has made false claims that UID / "Aadhaar" is a unique ID. Research by 4 National Academies of the USA (The National Academy of Sciences, National Academy of Engineering, Institute of Medicine and National Research Council) have concluded that "Biometrics is inherently probabilistic and hence, inherently fallible"
2. I have submitted to the Supreme Court mathematical proof of the fallibility of UID / "Aadhaar" using conditional probability theory and taking UIDAI's specifications as the basis
3. In the counter affidavit to my writ petition the respondents have made a claim that 80 million false / duplicate enrolments in UID have been detected (among 800 million enrolled at that time). In fact, these are false positive matches erroneously labelled as false / duplicates
4. There is no need for linking government subsidies (scholarships etc.) to UID / "Aadhaar" since, such linking is neither useful nor does prevent fraud. DBT

87

does not require UID / "Aadhaar"

5. UID / "Aadhaar" is for all residents. Government subsidies are for citizens
6. All UID data is accessible to foreign private companies and this is dangerous. I have submitted documentary proof of this with my writ petition
7. The Parliamentary Standing Committee on Finance repeatedly stated in its report that the UID Scheme is a threat to national security.

Surely, neither MHRD nor UGC would like to indulge in actions that pose a danger to the Nation.

May I also suggest that you bring the above facts to the notice of the Honourable Minister of the MHRD?

Yours truly,

Sd/-

Mathew Thomas

SP New THIPPASANDRA <560075>

EK258790149IN India Post

Counter No : 1. OP-Code : PA

To : The Secretary, Government of India,  
Delhi, PIN : 110001

From : Mathew Thomas, 18/A BG 37

Wt : 18 grams.

Amt : 40.00 01.07.2016 17:46

Taxes : Rs. 5.00<<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)

CC to: The Secretary, University Grants Commission,

88  
Bahadur Shah Zafar Marg, New Delhi 110002 (Kind  
Attention - Prof. Dr. Jaspal S. Sandhu)

With a suggestion for similar action as above and  
additionally to write to all recipients of your letter No: D.O  
F 8-2/2016 - III-DBT-Aadhaar dated 29 Jun 2016  
informing them that action need not be taken as  
mentioned in the said letter.

SP New THIPPASANDRA <560075>  
EK258790152IN India Post  
Counter No : 1. OP-Code : PA  
To : The Secretary, University Grants CO,  
Delhi, PIN : 110002  
From : Mathew Thomas, 18/A BG 37  
Wt : 18 grams.  
Amt : 40.00 01.07.2016 17:47  
Taxes : Rs. 5.00<<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)

//TRUE TYPED COPY//

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**ANNEXURE P -8**

RIGHT TO INFORMATION ACT, 2005

BY SPEED POST

FORM-3

Form of supply of information, to the applicant under the  
Right to Information Act, 2005

No.2907/DCS&CA/B4(b)/RTI/2016/1283

Puducherry, dated

19 JUL 2016

From

The Public Information Officer-cum-  
Deputy Director (CS&CA),  
Department of Civil Supplies & Consumer Affairs,  
Puducherry.

To

Thiru Mathew Thomas,  
No. 18-A, Adarsh Vista,  
Basavanagar,  
Marathahalli P.O.  
Bangalore-560037.

Sir,

Sub: DCS&CA - Petition under Right to Information Act,  
2005 filed by Thiru Mathew Thomas, Bangalore -  
Reply furnished - Reg.

Ref : Your

RTI

Application

File

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No.RTI-GOV-PUDUCHERRY-PDS-Investigation

dated 13.06.2016 received on 20.06.2016.

Please refer to your application dated 13.06.2016 addressed to the undersigned regarding supply of information under RTI Act, 2005. The information sought for is furnished in the Annexure.

2. As per section 19 of the Right to Information Act, 2005 you may file an appeal before the First Appellate Authority of this Department, within 30 days of the issue of this order whose particulars are given below:

Name and address of the First Appellate Authority	The Director, Department of Civil Supplies & Consumer Affairs, Puducherry.
--	---

Yours faithfully,

(S. SATHIYAMOORTHY)

PUBLIC INFORMATION OFFICER-cum-

ANNEXURE

INFORMATION FURNISHED TO THIRU MATHEW  
THOMAS, BANGALORE

Sl.No.	Information sought for	Reply
a.	Estimated or detected quantity (weight in KGs) and value in Rupees of PDS food items lost and / or pilfered during each of the past 3 years, 2013, 2014 and 2015.	As detailed in the Annexure
b.	Copy of any document giving details of any investigation carried out to determine how the PDS food was lost / pilfered.	Copy of the FIRs may be obtained from this department on payment of Rs.26/- (Rs.2/- x 13 pages) during office hours.
c.	Total number of eac category, namely 'Fake. "Ghost", cases of multiple BPL (Below Poverty Line) ration cards detected during each of the past two years including current year i.e. 2015 and 2016. (Please note: 1.A "Fake" ration card is defined here as one where the ration card holder exists, but the details, like address etc. are incorrect. 2. A."Ghose" ration card is one where the	This Department is issuing Bio-metric-based Aadhaar integrated Smart Ration Card. Under this process so far, 9925 BPL cardholders (2015-16 -325 cards) who have not enrolled for Smart Ration card deleted from the database.

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	card holder does not exist, that is there is no such person. 3. Multiple ration cards are defined as ration cards of the same person at same address or different addresses with minor changes in details, such as initials of name etc. changed in order to make believe that the card holders are different persons).	However, out of this 3546 BPL cards were again re- inducted after being enrolled for Smart Ration Card.
d.	Copy of any document showing how and when the "Fake", "Ghost" and Multiple ration cards" were found out and action taken against erring officials responsible for the issue of the same.	Copy of document relating to cancellation of ration cards may be obtained from this department on payment of Rs.04/- (Rs.2/- x 2 pages). during office hours.

Sc/-

(S. SATHIYAMOORTHY)

PUBLIC INFORM ACTION OFFICER-cum-

DEPUTY DIRECTOR (CS&amp;CA)



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## ANNEXURE

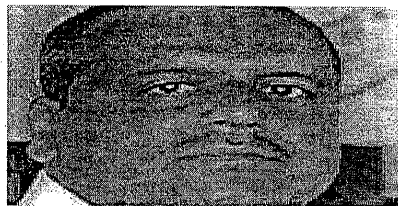
Year	Case Number	Rice/Wheat	Value of Rs.	Remarks
2013	09/2013	1000 Kg Rice, 50 Kg Wheat	Rs.20,000/- Rs. 1000/-	Case is Pending trial
2014	11/2014	1 00 Kg Rice	Rs.2000/-	Case is Under investigation
2015	NIL	-	-	-

Sd/-  
SUPERINTENDENT OF POLICE-CUM-  
PUBLIC INFORMATION OFFICER  
FOOD CELL, PUDUCHERRY

//TRUE TYPED COPY//

**ANNEXURE P-9****Process of applying for ration cards to be simplified**

July 23, 2016, Bengaluru, DHNS



Minister for Food and Civil Supplies UT Khader (in pic) on Friday said the government will consider simplifying the process of getting below poverty line (BPL) and above poverty line (APL) ration cards.

Participating in a satellite-based interaction with ration store owners here on Friday, the minister said the development of the software by the department for this purpose is in its final stage.

The technology would help applicants apply for a ration card from anywhere. Similarly, the process to apply for BPL cards would be further simplified keeping in mind rural and illiterate citizens," he said.

Besides, Khader said the department would make the biometric coupon-based system compulsory for card holders to collect rations under the public distribution system (PDS) in the next three months.

**'Coupon-based distribution'**

"Beneficiaries will have to furnish their ration card and Aadhaar numbers at the kiosks. Then the cardholders will have to dial 1614 from their registered mobile number that will generate a coupon number," he said and added that in the first phase, coupon-based kerosene distribution would be introduced in the Bruhat Bengaluru Mahanagara Palike limits and 10 selected fair price shops in the state, which will then be extended across the state.

He urged the department to ensure 100% Aadhaar collection of all beneficiaries. He said 98% of the card holders have included Aadhaar numbers while 6.5 lakh bogus cards were cancelled.

**Commission**

The minister said the state government has increased the margin of Rs 14 per quintal to all 20,000 fair price shop dealers under the public distribution system (PDS) for disbursing food grains to card holders.

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He also promised to provide an extra cylinder to eligible beneficiaries instead of kerosene as well as a solar lamp in the future.

DH News Service

//TRUE TYPED COPY//

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**ANNEXURE P-10**

From: "UAN and PF Communications"  
<[uacommun@in.ibm.com](mailto:uacommun@in.ibm.com)>  
Date: Aug 2, 2016 6:38 PM  
Subject: Action Required AADHAAR Submission  
To:  
Cc:

**AADHAAR SUBMISSION**

Dear Ex-Employee,

By now, you would have heard about the concept of UAN (Universal Account Number) and the benefits available thereon for the UAN members. The UAN will act as an umbrella for the multiple Provident Fund Account Numbers allotted to an individual by different establishments. The idea is to link multiple PF A/c Numbers allotted to a member under single Universal Account Number.

Govt PF Office, in their efforts to continuously improve and effectively deliver the various services available for UAN members, the EPFO authorities has now made it mandatory to all the employers to collect the AADHAAR from their employees. Upon which IBM is required to seed the AADHAAR numbers in Govt EPFO portal which is one of the mandatory KYC (Know Your Customer) document.

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To proceed with the directives of EPFO authorities, we are now approaching you to provide the AADHAAR number over an online web link <https://ibmsupport.spearglobal.com/form16> wherein you are requested to log in through your user credentials which were created while accessing your Form-16 (Income Tax Certificate) issued by IBM. In case, if the log in credentials are not created to access the link then kindly select the option "Click on Create your account" to create an account and then log in again to submit the details. For any issues to access the web link, you may send a mail to [uacommun@in.ibm.com](mailto:uacommun@in.ibm.com) which will be responded quickly by the relevant team.

Please be informed that this is a statutory requirement from Govt EPFO authorities, hence you are requested to update it in the above web link without fail on or before 5<sup>th</sup> Aug 2016. In case of AADHAAR not yet applied, then you are requested to apply for one immediately at the nearest Aadhaar Card Enrollment Centers and upon receipt submit the AADHAAR number in the link mentioned above.

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This is only a data collection activity as per the statutory requirement which is mandated by Govt EPFO, thus we are not able to support for any AADHAAR related e-mail queries / calls.

Warm Regards

IBM Payroll - Retirals Team

//TRUE TYPED COPY//

100  
IN THE SUPREME COURT OF INDIA

I.A. NO. OF 2016

IN

CONTEMPT PETITION NO. 2016

IN

WRIT PETITION NO.494/2012

**IN THE MATTER OF:**

Mathew Thomas

... Petitioner

VERSUS

Shri Harsh Gupta & Ors

... Contemnors

**AND IN THE MATTER OF:**

IN WRIT PETITION NO.494/2012

Justice K.S. Puttaswamy (Retd) & Anr

... Petitioner

VERSUS

Union of India & Ors

... Respondents

**APPLICATION FOR EXEMPTION FROM FILING**

**OFFICIAL TRANSLATION**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED:

**MOST RESPECTFULLY SHOWETH:**

1. That the present is an application for exemption from filing official translation in the aforesaid contempt petition which is being filed against the contemnors for willful and deliberate violation of orders dated 23.09.2013,



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16.03.2015, 11.08.2015 and 15.10.2015 passed by this Hon'ble Court in W.P. (Civil) 494/2012.

2. That being urgency in seeking the direction of this Hon'ble Court, the Petitioner could not get official translation of Annexure P-2 to this petition which was in Kannada. The counsel for Petitioner has got the translation of the Annexure done under their own arrangements and the same are the true translation of its original.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- (a) exempt the Petitioner from filing official translation of Annexure P-2; and/or
- (b) pass such other order/order(s) as this Hon'ble Court may deem just and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS PETITIONER, AS IN DUTY BOUND, SHALL EVER PRAY.

DRAWN & FILED BY:

DRAWN ON: 2 .08.2016  
FILED ON: 8 .08.2016

[MS AISHWARYA BHATI]  
ADVOCATE FOR THE PETITIONER